CITY OF MIAMI GARDENS CITY COUNCIL MEETING AGENDA

Miami Norland Senior High School 1050 N.W. 195th Street Miami, Florida 33169 Thursday, August 7, 2003 7:00 p.m. Mayor Shirley Gibson Vice Mayor Aaron Campbell Councilman Melvin L. Bratton Councilman Oscar Braynon, II Councilwoman Audrey J. King Councilwoman Sharon Pritchett Councilwoman Barbara Watson

- 1. CALL TO ORDER/ROLL CALL OF MEMBERS
- 2. INVOCATION
- 3. PLEDGE OF ALLEGIANCE
- 4. APPROVAL OF MINUTES: (None)
- 5. AGENDA/ORDER OF BUSINESS (ADDITIONS/DELETIONS/AMENDMENTS):
- 6. SPECIAL PRESENTATIONS: (None)
- 7. ORDINANCES FOR FIRST READING:
 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, IMPLEMENTING THE UTILITY TAX AUTHORIZED BY FLORIDA STATUTE SECTION 166.231, ET. SEQ., UPON THE PURCHASE OF ELECTRICITY, WATER SERVICE, METERED OR BOTTLED GAS, FUEL OIL AND TELECOMMUNICATIONS SERVICE WITHIN THE CITY LIMITS; PROVIDING FOR ASSESSMENT OF INTEREST AND PENALTIES; PROVIDING NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
 - 1. Report of Interim City Attorney.
 - 2. City Council Motion.

- 7B) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, IMPLEMENTING THE LOCAL COMMUNICATIONS SERVICES TAX AUTHORIZED BY FLORIDA STATUTE SECTION 202.19, ET. SEQ.; PROVIDING FOR INTENT; PROVIDING FOR THE IMPOSITION OF A LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
 - 1. Report of Interim City Attorney.
 - 2. City Council Motion.
- 8. ORDINANCES FOR SECOND READING (PUBLIC HEARINGS): (None)
- 9. **RESOLUTIONS:**
 - 9A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DESIGNATING THE NORTH DADE REGIONAL LIBRARY AS AN ADDITIONAL FACILITY TO REVIEW AND INSPECT AGENDA ITEMS FOR COUNCIL MEETINGS; PROVIDING FOR AN EFFECTIVE DATE.
 - 1. Report of Transitional Coordinator.
 - 2. City Council Motion.
 - 9B) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE PAYMENT OF INVOICE FOR LEGAL SERVICES SUBMITTED BY CLYNE & SELF, P.A. AND CYNTHIA A. EVERETT P.A. IN THE AMOUNT OF THIRTY ONE THOUSAND TWO HUNDRED AND FORTY FIVE DOLLARS AND FOURTEEN CENTS (\$31,245.14), ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.
 - 1. Report of Transitional Coordinator.
 - 2. City Council Motion.

- 9C) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ACCEPTING INVITATION TO JOIN THE METROPOLITAN PLANNING ORGANIZATION GOVERNING BOARD ("MPO" BOARD); PROVIDING FOR THE SELECTION OF ______TO SERVE AS A VOTING MEMBER OF THE MPO BOARD; PROVIDING FOR AN EFFECTIVE DATE.
 - 1. Report of Mayor.
 - 2. City Council Motion.
- 9D) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF COMPUTERS AND RELATED EQUIPMENT FOR THE ADMINISTRATIVE OFFICES OF THE CITY; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE.
 - 1. Report of Transitional Coordinator.
 - 2. City Council Motion.
- 9E) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXPRESSING STRONG SUPPORT FOR THE PEP RALLY TO MARK NATIONAL NIGHT OUT AGAINST CRIME SPONSORED BY BRENTWOOD CITIZENS' CRIME WATCH, CRESTVIEW CITIZENS' CRIME WATCH, AND MYRTLE GROVE CITIZENS' CRIME WATCH; PROVIDING FOR AN EFFECTIVE DATE.
 - 1. Report of Mayor.
 - 2. City Council Motion
- 9F) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPOINTMENT OF CYNTHIA W. CURRY AS INTERIM CITY MANAGER; AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE COUNSULTANT AGREEMENT BETWEEN THE CITY AND CWC & ASSOCIATES, INC., ATTACHED HERETO AS EXHIBIT

"A"; PROVIDING THE INTERIM CITY MANAGER WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO MANAGE THE DAY-TO-DAY OPERATIONS OF THE CITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

- 1. Report of Mayor.
- 2. City Council Motion.

10. TRANSITION TEAM DISCUSSION ITEMS:

- 10A) REPORTS ON SEARCH FOR CITY MANAGER, CITY CLERK, AND BUDGET (Cynthia W. Curry)
- 10B) REPORTS ON ADMINISTRATIVE OFFICES, PAYROLL, AND BANK ACCOUNT (William J. Green)
- 11. REPORTS OF MAYOR AND COUNCIL MEMBERS
- 12. REQUESTS, PETITIONS & OTHER COMMUNICATIONS FROM THE PUBLIC:
 - 12A) AMOS SAUNDERS, ECONOMIC DEVELOPMENT
 - 12B) PUBLIC COMMENTS

13. ADJOURNMENT:

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT WILLIAM GREEN (305) 375-5694, NOT LATER THAN 48 HOURS PRIOR TO SUCH PROCEEDING.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT WILLIAM GREEN (305) 375-5694.

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF MIAMI GARDENS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Please turn-off any beepers and cellular telephones to avoid interrupting the council meeting.

City of Miami Gardens

MEMORANDUM

To:

The Honorable City Council

From:

Hans Ottinot, Interim City Attorney

Date:

August 7, 2003

Re:

UTILITY TAX ORDINANCE

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

REASONS:

Utility taxes are a major source of revenues for local governments in the State of Florida. In fact, most municipalities would have problems balancing their budget if they did not receive revenues from utility taxes. Under Florida law, municipalities have the authority to impose a public service tax on the purchase of utility services within the boundaries of the municipalities. At this time, Miami-Dade County is collecting the public service tax on the utility services in the Miami Gardens area. In order for the City to collect these vital revenues, the City has to adopt the attached ordinance. The ordinance basically provides the City with the right to impose a tax on the purchase of electricity, metered natural gas, petroleum gas, manufactured gas, and water service. Please note that this tax has been imposed by probably every municipality in Miami-Dade County. Please also note that state law imposes a cap on the tax rate that municipalities could charge sellers of utilities. In particular, the tax cannot exceed ten (10) percent of the payments received by the seller of utilities from the purchaser.

As previously stated, Miami-Dade County is currently collecting tax revenues for this area. In order for the City to capture these revenues, the City has to adopt this

ordinance. The City also has to provide notice of the adoption of this ordinance to the Department of Revenue at least 120 days before its effective date.

ORDINANCE NO. 2003-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI UTILITY **IMPLEMENTING** THE GARDENS. FLORIDA. AUTHORIZED BY FLORIDA STATUTE SECTION 166.231, ET. SEQ., UPON THE PURCHASE OF ELECTRICITY, WATER SERVICE. OIL AND FUEL **METERED** OR BOTTLED GAS. TELECOMMUNICATIONS SERVICE WITHIN THE CITY LIMITS: PROVIDING FOR ASSESSMENT OF INTEREST AND PENALTIES: PROVIDING NOTICE TO THE DEPARTMENT REVENUE: OF PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 8.4 of the City Charter of the City of Miami Gardens, until otherwise modified by the City Council, all municipal taxes and fees imposed within the City boundaries by Miami-Dade County (the "County") as the municipal government for unincorporated Miami-Dade County, which taxes and fees were in effect on the date of adoption of the City Charter, shall continue at the same rate and on the same conditions as if those taxes and fees had been adopted and assess by the City; and

WHEREAS, the City Council finds that the above-cited Charter provision is effective by operation of law to continue the levy and imposition of the utility tax (the "Utility Tax") provided by Section 29-36, et seq., of the Miami-Dade County Code (the "County Code") as authorized by Section 166.231, et seq., Fla. Stat., upon the purchase in the City of electricity, water, metered gas, bottled gas, coal, and fuel oil (the "Utility Service"), without the necessity for adoption of an ordinance by the City; and

WHEREAS, the City Council has been advised that certain providers of Utility Services may have concerns regarding the application of City Charter Section 8.4 pertaining to the imposition of the Utility Tax and may assert that the adoption of an enabling ordinance is necessary for the levy and imposition by the City of such Utility Tax; and

WHEREAS, although the City Council believes that no further action is necessary, it wishes to expedite the payment of Utility Taxes to the City and avoid a lengthy technical debate with any Utility Service providers; and

WHEREAS, the City Council finds that the enactment of this ordinance will protect the public health, safety and welfare of the residents and inhabitants of the City and secure revenues, which are due and owing to the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. <u>Utility Tax Ordinance Adopted.</u> An ordinance to be known as the "Utility Tax Ordinance" is hereby adopted as an ordinance of the City for Miami Gardens, Florida, to read as follows:

ARTICLE 1. UTILITY TAX

Section 2. <u>Definitions</u>

For the purposes hereof, the following words and phases shall have the meanings respectively ascribed to them by this section:

Bottled Gas: All types and kind of natural, liquefied petroleum and manufactured gas for lighting, heating, cooking, power or any other purpose delivered to any purchaser thereof within the unincorporated area of the City.

City: City of Miami Gardens, Florida.

Coal: All coal for lighting, heating, cooking, power, energy or any other purpose competing with any other utility or energy source taxed under this ordinance delivered to any purchaser thereof within the incorporated area of the City.

Electricity: All electric current or energy for lighting, heating, cooking power or any other purpose delivered to any purchaser thereof within the incorporated area of the City.

Finance Director: The City Manager or his designee.

Fuel Oil: All bunker C oil, number 1 and 2 fuel oil, and kerosene or any combination thereof capable of being used for lighting, heating, cooking power or any other purpose and delivered to any purchaser thereof within the incorporated area of the City.

Metered Oil: All types and kinds of natural and manufactured gas for lighting, heating, cooking, power or any other purpose delivered to any purchaser thereof within the incorporated area of the City.

Purchase: Every act or transaction whereby possession of, utilization of, control over or title to Water, Electricity, Metered Gas, Bottled Gas, Coal, or Fuel Oil, and the duty and obligation to pay therefore become vested in the Purchaser within the incorporated area of the City, but such term shall not pertain to nor include any such Purchase act or transaction when undertaken or performed by an agency or instrumentality of the United States Government, the State, the county or a municipality as Purchaser.

Purchaser: Every person legally liable for the payment of Water, Electricity, Metered Gas, Bottled Gas, Coal or Fuel Oil delivery, unless such person making the Purchase is

an agency or instrumentality, or a house of public worship, which qualifies for exemption from the State Sales tax under Section 212.08(7), Fla. Stat.

Seller: Every person delivering Water, Electricity, Metered Gas, Bottled Gas, Coal or Fuel Oil to any Purchaser thereof.

Water service: The water supply furnished to all consumers in the incorporated area of the City for retail use and not for resale, except water delivered to the purchaser in a bottle or other container.

Section 3. Rate and Amount of Excise Tax on Purchase of Public Utility Services. Collection to Tax.

Effective from and after May 13, 2003, there is hereby levied and imposed by the City upon every purchase in the incorporated area of the City of Water, Electricity, Metered Gas, Bottled Gas, Coal, or Fuel Oil, included in or reflected by an bill rendered by the Seller to the Purchaser an excise tax which shall be determined as follows:

- (a) When the Seller, in accordance with rules and regulations, renders a bill to the Purchaser to cover purchases made during the period of time to which the bill is applicable, the amount of excise tax shall be ten (10 %) percent of the total amount shown on any such bill due and payable on account of such purchases of fuel oil), exclusive of governmental charges, services fees, taxes and fuel adjustments are shown separately on such bill.
- (b) In the use and application set out in this section, purchases of Water, Electricity, Metered Gas, Bottled Gas, Coal, Fuel Oil, shall be considered and treated as constituting and being distinct and unrelated classes of purchases, and in the event that more than one (1) such class shall be shown upon the same bill, the amount of excise tax payable pursuant hereto shall be determined and computed for each such class separately.
- (c) The Seller is required and it shall be Seller's duty to render to each Purchaser bills covering all such purchases made, and the amount of such excise tax shall be entered and shown by the Seller as a separate item on each such bill and shall become due and payable to the City whenever such bill comes due and payable under the rules and regulations of the Seller. Each such bill shall include purchases applicable to but one (1) family or business uses separate metered services at one (1) location in the incorporated areas of the City.
- (d) The Purchaser is required and it shall be Purchaser's duty to pay such excise tax to the Seller, as agent for the City, at the time for the payment of each bill, and in the event that the Purchaser shall fail, neglect or refuse to pay such excise tax to the Seller when such bill becomes due and payable, the Seller is hereby empowered to discontinue forthwith to make any further sales or to render any further services to the Purchaser until the total amount, including

such excise tax, shown upon such bill has been paid in full. The Seller is hereby authorized and required and it shall be Sellers' duty to collect such excise tax from such Purchaser at the time of the payment of each such bill and to remit the same to the Finance Department of City in accordance with the provisions hereinafter stated, provided that the Seller shall have the right and privilege of assuming and paying such excise tax itself in lieu of collecting the same from the Purchaser; and that whenever the Seller shall fail or neglect to collect such excise tax from the Purchaser within one (1) year from the date of the bill on which such tax was or should have been imposed, the Seller shall be deemed to have assumed such excise tax himself and shall thereupon become liable for the payment of the amount thereof to the City to the same extent as if such excise tax had been collected from the purchaser, with recourse to the Purchaser thereof.

(e) This section shall be applicable to all bills for Water, Electricity, Metered Gas, Bottled Gas, or Fuel Oil; except that any bills for the purchase of sixteen (16) ounces or less of Bottled Gas in a container, or less than one (1) gallon of Fuel Oil shall be exempt from taxation under this ordinance, and further in reference to those purchases enumerated in Section 166.231, Fla. Stat., this ordinance shall only apply to the extent permitted therein; the sale of Fuel Oil and Coal to a public or private utility; either for resale or for use as fuel in the generation of Electricity; or the sale of fuel for other engines, the use of which does not compete with those utilities or energy sources specified in Section 166.231, Fla. Stat. is exempt from taxation hereunder.

Section 4. Remittance of Tax of City By Seller.

- (a) Every Seller is hereby required to execute and file not later than the twentieth day of each month at the office of the Finance Department of the City a certified statement on a form prescribed by such Department setting forth the amount of such excise tax to which the City became entitled under the provisions hereof on account of bills paid by City during the preceding fiscal month, and, contemporaneously with the filing of such statements, shall pay the amount of such excise tax to the Finance Department.
- (b) The Finance Director shall assess interest and penalties in accordance with this paragraph for failure of a Seller to pay any tax when due or to file any required return or statement, except that no penalty shall be assessed in the absence of willful negligence, or fraud. Interest shall be assessed at a rate of one percent (1%) per month of the delinquent tax from the date the tax was due until paid. Penalties shall be assessed at the rate of five percent (5%) per month of the delinquent tax not to exceed a total penalty of 25%, except that in no event will the penalty for failure to file a return be less than fifteen dollars (\$15). In the case of a fraudulent return such fraudulent return or statement or willfully attempting to evade payment of the tax, shall be liable for a specific penalty of 100% of the tax. Interest and penalties shall be

computed on the net tax due after application of any overpayments and are subject to compromise by the City Manager pursuant to Section 166.234(14), Fla. Stat.

(c) All collected tax, interest and penalties shall be deposited to the credit of the general fund of the City to be expended for City purposes in accordance with law.

Section 5. Records to be Kept.

Every Seller is hereby required to establish and maintain appropriate City accounts and records showing the amount of such excise tax payable to the City under the provisions hereof, and such accounts and records shall be open to inspection by the Finance Director or his duly authorized agent at all reasonable time. The Finance Director is hereby authorized and empowered to promulgate from time to time such rules and regulations with respect to the establishment and maintenance of such accounts and records as he or she may deem necessary to carry into effect the purpose and intent of the provisions hereof. Such rules and regulations shall not conflict with Section 166.234(1), Fla. Stat.

Section 6. Reports of Deliveries For Resale.

Every manufacturer, distributor, wholesaler or Seller who shall deliver Water, Electricity, Metered Gas, Coal, Fuel Oil or Water Service to any Seller or other person having a place of business in the incorporated area of the City, or licensed to do business in the incorporated area of the City, or licensed to do business herein, to be sold or resold to ultimate Purchasers, shall report to the Finance Department semi-annually, as of June 30th and December 31st, the names and addresses of such Sellers or other persons, and the quantities received by each of them during the preceding six (6) months, such reports to be filed not later than one month after the close of each semi-annual period.

Section 7. Recognition of Expense In Regulation of Rates; Taxable Telecommunication Services Collection Allowances; Travel Cost for Audit.

- (a) All reasonable expense incurred by a Seller in making the collections and remittances and in fulfilling the duties prescribed herein is hereby declared to be and to constitute and operating expense and shall be accorded full recognition as such in the establishment of rated and charges for rendering Water, Electricity, Metered Gas, Bottled Gas, Coal, or Fuel Oil service in the City.
- (b) The City may assess audit expenses, including travel, only as authorized by Section 166.234, Fla. Stat.

Section 8. Violations.

It shall be unlawful and a violation hereof for any Purchaser to evade the payment of the excise tax provided for herein or any part thereof, or to fail or neglect to pay such excise tax within thirty (30) days after the same has become due and payable; or for any Seller to fail or refuse to pay to the City all amounts of excise tax payable to the City by the Seller, or to fail or refuse to file the monthly return or statement or to set forth any erroneous or false information therein with intent to defraud the City, or to refuse to permit the Finance Director or his or her duly authorized agent to examine the accounts and the records to be kept as required hereby.

Section 9. Notice to the Department of Revenue. The City shall notify the Department of Revenue of the effective date of this Ordinance pursuant to Section 166.233, Florida Statutes:

Section 10. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 11. Effective Date. This ordinance shall apply to Utility Services purchased on or after May 13, 2003, and shall be effective on January 1, 2004.

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| PASSED AND ADOPTED on first reading the   | day or                | , 2003  |
|-------------------------------------------|-----------------------|---------|
| PASSED AND ADOPTED on second reading this | day of                | , 2003. |
|                                           |                       |         |
|                                           | Shirley Gibson, Mayor |         |
| ATTEST:                                   |                       |         |
| , Acting City Clerk                       |                       |         |

# LEGAL SUFFICIENCY: Hans Ottmer, Interina City Attorney Motion on second reading by: Second on second reading by: VOTE: Mayor Shirley Gibson (Yes) (No) Vice Mayor Aaron Campbell (Yes) (No)

(Yes)

(Yes)

(Yes)

(Yes)

(Yes)

(No)

(No)

(No)

(No)

(No)

APPROVED AS TO FORM AND

Councilman Melvin Bratton

Councilman Oscar Braynon II

Councilwoman Audrey King Councilwoman Sharon Pritchett

Councilwoman Barbara Watson

## City of Miami Gardens

#### <u>MEMORANDUM</u>

To:

The Honorable City Council

From:

Hans Ottinot, Interim City Attorney

Date:

August 7, 2003

Re:

**Communications Services Tax** 

#### Recommendation

It is recommended that the City Council adopt the attached Ordinance.

#### Reasons

In an effort to centralize the manner in which local governments regulate the use of their rights-of-ways by communications service providers, the Florida Legislature enacted the Communications Services Tax Simplification ("Communications Tax Law") during the 2000 Legislative Session. The Communications Tax Law is a very complex law even though it is called the simplification tax law. The law was designed to restructure taxes on telecommunications services, cable, direct-to-home satellite, and mobile communications.

The Communications Tax Law is not a new tax on communications services. At this time, Miami-Dade County is collecting the communication services tax revenues for this area. In order for the City to receive these vital revenues in the near future, the City has to adopt the attached Ordinance. If the City does not adopt the attached Ordinance, the City would not be able to capture these revenues in the immediate future. In fact, through communications with the Florida League of Cities, I found out that the City would not be eligible to receive the revenues from the communications services tax until 2005 if it fails to adopt the attached Ordinance by September 1, 2003. Therefore, I recommend the adoption of the attached Ordinance.

#### ORDINANCE NO. 2003-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI THE **IMPLEMENTING** FLORIDA. GARDENS, COMMUNICATIONS SERVICES TAX AUTHORIZED BY FLORIDA STATUTE SECTION 202.19, ET. SEQ.; PROVIDING FOR INTENT; LOCAL THE **IMPOSITION** OF **PROVIDING** FOR TAX RATE; PROVIDING FOR COMMUNICATIONS SERVICES NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during the 2000 Regular Session, the Florida Legislature passed the "Communications Services Tax Simplification Law", creating Chapter 202, Florida Statutes (2000); and

WHEREAS, section 202.19 (2) Florida Statutes (2001), states municipalities may impose a local communications services tax at a rate of up to 5.1% for municipalities that have not chosen to levy permit fees, and at a rate of up to 4.98% for municipalities that have chosen to levy permit fees. These maximum rates do not include the add-ons of up to 0.12% authorized pursuant to section 337.401, Florida Statutes, for municipalities that choose not to levy permit fees, nor do the rates supersede conversion or emergency rates authorized by section 202.20, Florida Statutes, which may be in excess of these maximum rates; and

WHEREAS, section 202.20(1)(a), Florida Statutes (2001), sets the local communications services tax conversion rates for the period of October 1, 2001, through September 30, 2002. The conversion rates take effect without any action required by the local government; and

WHEREAS, section 202.20(1)(b), Florida Statutes (2001), sets the local communications services tax conversion rates beginning October 1, 2002. The conversion rates take effect without any action required by the local government; and

WHEREAS, pursuant to the Communications Tax Law, a municipality that has an initial Conversation rate below the Maximum rate is authorized to adjust its Conversion rate upward to the maximum rate as set forth in section 202.19(2)(a), Florida Statutes (2002); and

WHEREAS, the City of Miami Gardens, a newly incorporated municipality, wishes to impose the communications services tax authorized by Section 202.19, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. Intent. It is the intent of the City Council of the City of Miami Gardens to impose a local communications services tax rate in accordance with the Communications Services Tax Law. Under the Communications Services Tax Law, a municipality has the authority to levy a communications services tax on communications service providers at a rate of 5.1 percent for

municipalities that choose not levy permit fees. It is further the intent of the City of Miami Gardens to impose a communications services tax at a rate of 5.1 upon the adoption of this Ordinance.

- Increased Local Communications Services Tax Rate. A local communications Section 2. services tax rate has not been established by the Department of Revenue for the City of Miami Gardens. As such, for the period beginning September 1, 2003, and continuing thereafter, the City of Miami Gardens invokes its authority under the Communications Tax Law to impose a tax rate of 5.1 percent as set forth in section 202.19(2), Florida Statutes.
- Notice to the Florida Department of Revenue. The City Council of the City of Section 3. Miami Gardens directs that notice of the local communications services tax rate be provided to the Florida Department of Revenue certified mail postmarked on or before September 1, 2003. By virtue of enactment of this Ordinance, the City hereby notifies the Department of Revenue of its intent to impose a communications services tax rate of 5.1 percent.
- Severability. The provisions of this Ordinance are declared to be securable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

This Ordinance shall become effective ten (10) days after Effective Date. Section 5. adoption on second reading.

. 2003

| PASSED AND ADOPTED on first reading the     | day of                | , 2003  |
|---------------------------------------------|-----------------------|---------|
| PASSED AND ADOPTED on second reading this _ | day of                | , 2003. |
|                                             |                       | · .     |
| ,                                           | Shirley Gibson, Mayor | ·       |
| ATTEST:                                     |                       |         |
| , Acting City Clerk                         |                       |         |

## APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

| Hans Ottinot, Interim City Attorney                                                                                                                                                     |                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                         | Motion on second reading by:                                                                                                                                           |
|                                                                                                                                                                                         | Second on second reading by:                                                                                                                                           |
| VOTE:                                                                                                                                                                                   |                                                                                                                                                                        |
| Mayor Shirley Gibson Vice Mayor Aaron Campbell Councilman Melvin Bratton Councilman Oscar Braynon II Councilwoman Audrey King Councilwoman Sharon Pritchett Councilwoman Barbara Watson | (Yes)       (No)         (Yes)       (No)         (Yes)       (No)         (Yes)       (No)         (Yes)       (No)         (Yes)       (No)         (Yes)       (No) |

## City of Miami Gardens

#### **MEMORANDUM**

To:

The Honorable City Council

From:

William J. Green, Transitional Coordinator

Date:

August 7, 2003

Re:

DESIGNATION OF LIBRARY AS AN ADDITIONAL

**FACILITY** 

#### **RECOMMENDATION:**

It is recommended that the City Council approve the attached resolution.

#### **REASONS:**

The City Council is desirous of providing information concerning Council meetings to its residents in a prompt manner. Specifically, the Council is seeking a centrally located, convenient location where individuals may come to inspect and review agenda items. The North Dade Regional Library is such a location and is, therefore, being recommended as an additional facility for the City, at which individuals may review and inspect agenda items of the City Council.

#### RESOLUTION NO. 2003-\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DESIGNATING THE NORTH DADE REGIONAL IBRARY AS AN ADDITIONAL FACILITY TO REVIEW AND INSPECT AGENDA ITEMS FOR COUNCIL MEETINGS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has a desire to provide information concerning council meetings promptly to residents; and

WHEREAS, the City Council wishes to designate the North Dade Regional Library as an additional facility to review and inspect agenda items for council meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

<u>Section 1.</u> <u>Designation of Library.</u> The City Council hereby designates the North Dade Regional Library as an additional facility to review and inspect items for council meetings.

Section 2. <u>Effective Date</u>. This Resolution is effective upon adoption.

| PASSED and ADOPTED this day of | of August, 2003.      | • |
|--------------------------------|-----------------------|---|
| ATTEST:                        | Shirley Gibson, Mayor |   |
| , Acting City Clerk            |                       |   |

## APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Hans Ottinot, Interim City Attorney

Councilwoman Audrey King

Councilwoman Sharon Pritchett

Councilwoman Barbara Watson

(Yes)

(Yes)

(Yes)

(No)

(No)

(No)

## City of Miami Gardens

#### MEMORANDUM

To:

The Honorable City Council

From:

William J. Green, Transitional Coordinator

Date:

August 7, 2003

Re:

PAYMENT OF LEGAL FEES

#### RECOMMENDATION:

It is recommended that the City Council approve the attached resolution.

#### **REASONS:**

Section 8.6 of the Charter of the City of Miami Gardens provides for the City to pay for the legal bills incurred in the drafting and production of the City Charter. Clyne & Self, P.A. and Cynthia A. Everett, P.A., the firm selected to prepare the Charter, has completed the task and now submits an invoice for payment for services rendered, in the amount of Thirty-One Thousand Two Hundred Forty-Five Dollars and Fourteen Cents (\$31,245.14).

#### RESOLUTION NO. 2003-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE PAYMENT OF INVOICE FOR LEGAL SERVICES SUBMITTED BY CLYNE & SELF, P.A. AND CYNTHIA A. EVERETT P.A. IN THE AMOUNT OF THIRTY ONE THOUSAND AND TWO HUNDRED AND FORTY FIVE DOLLARS AND FOURTEEN CENTS (\$31,245.14), ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 8.6 of the City Charter, the City is required to pay legal bills incurred in the drafting and production of the City Charter; and

WHEREAS, the invoices for legal services have been submitted for payment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. Authorizing Payment. The City Council hereby authorizes the payment of invoices for legal fees submitted by Clyne & Self, P.A. and Cynthia A. Everett P.A.

Section 2. Effective Date. This Resolution is effective upon adoption.

PASSED and ADOPTED this \_\_\_\_ day of August, 2003.

|                     | Shirley Gibson, Mayor |
|---------------------|-----------------------|
| ATTEST:             |                       |
|                     |                       |
| , Acting City Clerk |                       |

## APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

| AH M                | <del> </del>     |
|---------------------|------------------|
| Hans Ottinot, Inter | im City Attorney |

|                               | Moved by:    |        |  |  |  |  |  |
|-------------------------------|--------------|--------|--|--|--|--|--|
|                               | Seconded by: |        |  |  |  |  |  |
| VOTE:                         |              |        |  |  |  |  |  |
| Mayor Shirley Gibson          | (Yes)        | (No)   |  |  |  |  |  |
| Vice Mayor Aaron Campbell     | (Yes)        | (No)   |  |  |  |  |  |
| Councilman Melvin Bratton     | (Yes)        | (No)   |  |  |  |  |  |
| Councilman Oscar Braynon II   | (Yes)        | (No)   |  |  |  |  |  |
| Councilwoman Audrey King      | (Yes)        | (No) . |  |  |  |  |  |
| Councilwoman Sharon Pritchett | (Yes)        | (No)   |  |  |  |  |  |
| Councilwomen Barbara Watson   | (Yes)        | (No)   |  |  |  |  |  |

#### GYNTHIA A. EVERETT, P. A.

2600 DOUGLAS ROAD, SUITE 1100 CORAL GABLES, FLORIDA 33134

CYNTHIA A. EVERETT ALSO ADMITTED TO THE DISTRICT OF COLUMBIA BAR

BOARD CERTIFIED
LABOR AND EMPLOYMENT LAWYER

TELEPHONE: (305) 446-3244
FACSIMILE: (305) 446-3538
EMAIL: caesq@bellsouth.net

OF COUNSEL CLYNE & SELF, P. A.

July 14, 2003

William Green, Jr., J.D.
Policy and Legislative Advisor
Office of Commissioner Betty Ferguson
111 N.W. 1st Street, Suite 220
Miami, Florida 33128-1963

Re: Invoice for Legal Services for Clyne & Self, P.A. and Cynthia A. Everett, P.A.

Dear William:

Per your request, enclosed is an invoice for the above-referenced firms for legal services provided to the Charter Committee for the New Municipality of North Dade. Thank you for your assistance in getting this matter placed on the first City agenda.

Please call me if you have any questions.

Very truly yours,

Inthia A. Everett

CAE/
Enclosure
cc: Mayor Shirley Gibson
Reginald J. Clyne, Esquire

L:\0340-101\Corr\Green ltr.wpd

# CLYNE & SELF, P. A. Douglas Centre - Suite 1100 2600 Douglas Road Coral Gables, Florida 33134 (305) 446-3244 - Tax I. D. No. 65-0555571

Invoice Number10933Invoice Date07/11/03Activity billed through07/31/03

Al Brewster, Chairman City of North Dade Miami, FL

|             |          | Prior balance brought forward Less payments received Net balance forward                                                                                               |      |     | \$0.00<br>\$0.00<br>\$0.00 |       |            |
|-------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-----|----------------------------|-------|------------|
| RE: File No | . 0340   | 00101 City of North Dade                                                                                                                                               |      |     |                            |       |            |
| FOR PROFE   | ESSIONAI | SERVICES RENDERED:                                                                                                                                                     |      |     |                            |       |            |
| 02/17/03    | CAE      | Reviewed Charter Committee Notebook in preparation for initial meeting                                                                                                 | 1.00 | hrs | \$200.00                   | /hr   | \$200.00   |
| 02/18/03    | RJC      | Prepare for and attend Charter Review Committee meeting                                                                                                                | 4.50 | hrs | \$200.00                   | /hr 🚣 | \$900.00   |
| 02/18/03    | CAE      | Attended Charter Committee Meeting                                                                                                                                     | 4,00 | hrs | \$200.00                   | /hr   | \$800.00   |
| 02/19/03    | RJC      | Telephone conference with Committee Chair<br>Brewster and Cynthia Everett, Esq. re: meeting<br>agenda                                                                  | 0.20 | hrs | \$200.00                   | /hr   | \$40.00    |
| 02/19/03    | RJC      | Prepare for and attend Charter Review Meeting                                                                                                                          | 4.50 |     | \$200.00                   | ·/hr  | \$900.00   |
| 02/19/03    | RJC      | Telephone call with Shirley Gibson re: format                                                                                                                          |      | hrs | \$200.00                   | /hr   | \$100.00   |
| 02/19/03    | RJC      | Meeting with Cynthia Everett, Esq. re: organization of meeting                                                                                                         | 2.00 | hrs | ,                          | ./hr  | \$400.00   |
| 02/19/03    | CAE      | Telephone conference with Committee Chair<br>Brewster and Reginald Clyne, Esq. re: meeting<br>agenda                                                                   | 0.20 | hrs | \$200.00                   | /hr   | \$40.00    |
| 02/19/03    | CAE      | Drafted minutes of 2/18 meeting                                                                                                                                        | 0.50 | hrs | \$200.00                   | /hr   | \$100.00   |
| 02/19/03    | CAE      | Office conference with Chair Brewster, Reginald Clyne, Esq. re: meeting agenda                                                                                         | 0.20 | hrs | \$200.00                   | /hr   | \$40.00    |
| 02/19/03    | PL       | Attendance and taking of the minutes of the February 19, 2003 meeting (3.00). Prepare and transcribed minutes of the meeting (.30). Travel to and from meeting (2.00). | 5.30 | hrs | \$70.00                    | /hr   | \$371.00   |
| 02/20/03    | RJC      | Office conference with Cynthia Everett, Esq. re: preparation for meeting.                                                                                              | 0.20 | hrs | \$200.00                   | /hr   | \$40.00    |
| 02/20/03    | RJC      | Review and revise minutes                                                                                                                                              | 0.80 | hrs | \$200.00                   | /hr   | \$160.00   |
| 02/20/03    | RJC      | Telephone calls to Incorporation Office re: e-mail address, facsimile address and speakers                                                                             | 0.30 | hrs | \$200.00                   | /hr   | \$60.00    |
| 02/20/03    | RJC      | Organize matters for meeting 2/20/03                                                                                                                                   | 1.00 | hrs | \$200.00                   | /hr   | \$200.00   |
| 02/20/03    | RJC      | Prepare for and attend meeting                                                                                                                                         | 5.50 | hrs | \$200.00                   | /hr   | \$1,100.00 |
| 02/20/03    | RJC      | Telephone calls to William Green re: charter                                                                                                                           | 0.30 | hrs | \$200.00                   | /hr   | \$60.00    |
| 02/20/03    | CAE      | Telephone conference with Hialeah city attorney re:<br>form of government; research various municipalities<br>regulations on lobbyists; revised minutes                | 2.00 | hrs | \$200.00                   | /hr   | \$400.00   |
| 02/20/03    | CAE      | Office conference with Reginald Clyne, Esq. re: issues from previous meeting and agenda for day's meeting                                                              | 0.50 | hrs | \$200.00                   | /hr   | \$100.00   |
| 02/20/03    | CAE      | Telephone conference with David Leahy, Acting                                                                                                                          | 0.40 | hrs | \$200.00                   | /hr   | \$80.00    |

|            |     | Elections Supervisor for Miami-Dade County re:                                     |      |       |          |             |                        |
|------------|-----|------------------------------------------------------------------------------------|------|-------|----------|-------------|------------------------|
|            |     | timing of municipal elections; drafted notes                                       |      |       |          |             |                        |
| 02/20/03   | CAE | Attended Charter committee meeting                                                 | 5.00 | hrs   | \$200.00 | /hr         | \$1,000.00             |
| 02/20/03   | MEA | Legal research regarding timing of elections;                                      | 2.50 | hrs   | \$125.00 | /h <b>r</b> | \$312,50               |
| 00 (00 100 |     | restrictions on lobbying                                                           |      |       |          |             |                        |
| 02/20/03   | PL  | Organize file.                                                                     | 1.00 |       | \$70.00  |             | \$70.00                |
| 02/20/03   | PL  | Work on redlined revisions to City Charter in                                      | 2.00 | hrs   | \$70.00  | /hr         | \$140.00               |
|            |     | preparation for next meeting; Prepare revisions to                                 |      |       |          |             |                        |
| 02/20/03   | PL  | finalize minutes and agenda for evening meeting.                                   |      |       |          |             |                        |
| 02/20/03   | FL  | Traveled to and from City of North Dade Charter                                    | 4.50 | hrs   | \$70.00  | /hr         | \$315.00               |
|            |     | meeting (2.0). Took minutes at City of North Dade charter committee meeting (2.5). |      |       |          |             |                        |
| 02/21/03   | PL  | Traveled to and from City of North Dade Charter                                    | 4.50 | T     | ድማስ ስለ   | /1          | <b>**</b>              |
| 02/21/03   | 111 | Committee Meeting (2.0). Took minutes at City of                                   | 4.50 | nrs   | \$70.00  | /hr         | \$315.00               |
|            |     | North Dade Charter Committee Meeting (2.5).                                        |      |       |          |             |                        |
| 02/21/03   | RJC | Draft and revise changes to Charter                                                | 2.00 | hrs   | \$200.00 | /hr         | #400 00                |
| 02/21/03   | RJC | Telephone call with Chairperson Brewster re: agenda                                | 0.40 |       | \$200.00 | /hr         | \$400.00               |
| 02/21/03   | PL  | Revisions to City Charter, finalize minutes and                                    | 1.00 |       | \$70.00  | /hr         | \$80.00                |
|            |     | prepare new agenda for meeting.                                                    | 1.00 | 1115  | \$70.00  | /111        | \$70.00                |
| 02/22/03   | RJC | Office conference with Cynthia Everett, Esq. re:                                   | 0.30 | hrs   | \$200.00 | /hr         | \$60.00                |
|            |     | preparing for meeting.                                                             | 0.50 | 111.0 | Ψ200.00  | 1111        | \$00.00                |
| 02/22/03   | PL  | Traveled to and from City of North Dade Charter                                    | 3.50 | hrs   | \$70.00  | /hr         | \$245.00               |
|            |     | Committee Meeting (1.0). Took minutes at City of                                   |      |       | Ψ, σ.σσ  | 7311        | Φ243.00                |
|            |     | North Dade Charter Committee Meeting (2.5).                                        |      |       |          |             |                        |
| 02/22/03   | CAE | Drafted minutes of 2-21 meeting; office conference                                 | 2.00 | hrs   | \$200.00 | /hr         | \$400.00               |
|            |     | with Reginald Clyne, Esq., reviewed proposed                                       |      |       | ,        |             | φ.00.00                |
|            |     | agenda and discussed items; prepared documents for                                 |      |       |          |             |                        |
|            |     | Charter meeting                                                                    |      |       |          |             |                        |
| 02/22/03   | CAE | Attended Charter meeting; began revisions to Charter                               | 4.00 | hrs   | \$200.00 | /hr         | \$800.00               |
|            |     | provisions 7.6 and 9.6                                                             |      |       |          |             | ,                      |
| 02/23/03   | RJC | Prepare agenda, minutes and revise draft charter for                               | 2.70 | hrs   | \$200.00 | /hr         | \$540.00               |
| 00/00/00   | DIC | meeting                                                                            |      |       |          |             |                        |
| 02/23/03   | RJC | Travel to and attend Charter Committee meeting                                     | 3.40 |       | \$200.00 | /hr         | \$680.00               |
| 02/23/03   | CAE | Drafted minutes of 2-22-03; reviewed proposed                                      | 6.00 | hrs   | \$200.00 | /hr         | \$1,200.00             |
|            |     | agenda for 2-23 meeting; office conference with                                    |      |       |          |             |                        |
|            |     | Reginald Clyne, Esq. re;agenda issues; attended<br>Charter meeting                 |      |       |          |             |                        |
| 02/23/03   | CAE | Reviewed and revised Charter in accordance with                                    | 4.00 | 1     | #200 00  | /1          | 4500                   |
| 02/23/03   | CAL | Committee decisions                                                                | 4.00 | nrs   | \$200.00 | /hr         | \$800.00               |
| 02/23/03   | PL  | Took the Minutes at the Charter Meeting (2.80).                                    | 2.80 | hes   | \$70.00  | /hr         | #10 <i>C</i> 00        |
| 02/24/03   | RJC | Final review of minutes                                                            | 0.20 |       | \$200.00 | /hr         | \$196.00               |
| 02/24/03   | RJC | Draft and review Charter Committee Minutes                                         |      | hrs   | \$200.00 | /hr         | \$40.00                |
| 02/24/03   | RJC | Review and revise document, prepare for meeting,                                   | 7.00 |       | \$200.00 | /hr         | \$200.00<br>\$1,400.00 |
|            |     | respond to phone calls from Committee and public,                                  | 1.00 | 111.5 | Ψ200,00  | 7111        | Φ1,400.00              |
| •          |     | attend meeting                                                                     |      |       |          |             |                        |
| 02/24/03   | RJC | Insert all changes to Final Draft                                                  | 5.60 | hrs   | \$200.00 | /hr         | \$1,120.00             |
| 02/24/03   | RJC | Telephone call with Eric Knowles re: Section 9.6                                   | 0.30 |       | \$200.00 | /hr         | \$60.00                |
| 02/24/03   | RJC | Telephone call with Eric Knowles                                                   | 0.30 |       | \$200.00 | /hr         | \$60.00                |
| 02/24/03   | RJC | Draft letter to Eric Knowles                                                       | 0.30 |       | \$200.00 | /hr         | \$60.00                |
| 02/24/03   | CAE | Review of minutes; office conference with Reginald                                 | 0.50 | hrs   | \$200.00 | /hr         | \$100.00               |
|            |     | Clyne, Esq.; telephone conferences with Shirley                                    |      |       |          |             | 420000                 |
|            |     | Gibson, Mayor Evelyn Greer and Chair Brewster                                      |      |       |          |             |                        |
| 02/24/03   | CAE | Attended Charter Committee meeting                                                 | 3.30 | hrs   | \$200.00 | /hr         | \$660.00               |
| 02/24/03   | PL  | Prepared new final document for the City Charter                                   | 3.00 | hrs   | \$70.00  | /hr         | \$210.00               |
|            |     | revisions.                                                                         |      |       |          |             |                        |
| 02/24/03   | PL  | Took the Minutes at the Charter Meeting.                                           | 3.30 |       | \$70.00  | /hr         | \$231.00               |
| 02/25/03   | RJC | Travel to and attend Charter Committee meeting                                     | 2.80 |       | \$200.00 | /hr         | \$560.00               |
| 02/25/03   | RJC | Telephone call with Ms. Gibson re: charter changes                                 | 0.20 |       | \$200.00 | /hr         | \$40.00                |
| 02/25/03   | RJC | Review Charter and insure all revisions were                                       | 1.80 | hrs   | \$200.00 | /hr         | \$360.00               |
|            |     | completed.                                                                         |      |       |          |             |                        |

| 02/25/03      | CAE      | Drafted minutes for 2-24-03 meeting                          | 0.50 | hrs  | \$200.00      | /hr         | \$100.00                                |
|---------------|----------|--------------------------------------------------------------|------|------|---------------|-------------|-----------------------------------------|
| 02/25/03      | CAE      | Telephone conference with County staff member                | 0.10 | hrs  | \$200.00      | /h <b>r</b> | \$20.00                                 |
| 02,25,03      | U1 2.2   | William Green re: adding language relating to                |      |      |               |             |                                         |
|               |          | County transfer of 6.5 million dollars                       |      |      |               |             |                                         |
| 02/25/03      | CAE      | Telephone conference with County attorney Cynthia            | 0.20 | hrs  | \$200.00      | /hr         | \$40.00                                 |
| GZ, ZS, GS    | 0.11     | Johnson-Stacks re: revisions to bond language in             |      |      |               |             |                                         |
|               |          | Charter                                                      |      |      |               |             |                                         |
| 02/25/03      | CAE      | Telephone conference with Reginald Clyne, Esq. re:           | 0.20 | hrs  | \$200.00      | /hr         | \$40.00                                 |
| 02/25/05      | CHL      | Charter Committee meeting issues for 2-26 meeting            |      |      | ·             |             | • • • • • • • • • • • • • • • • • • • • |
| 02/25/03      | PL       | Work on revisions to City Charter, revise and prepare        | 1.50 | hrs  | \$70.00       | /hr         | \$105.00                                |
| 02/23/03      | LL       | final minutes to 2/24 meeting and agenda for                 |      | 1112 | 4.31          | ,           | 4100,00                                 |
|               |          | meeting.                                                     |      |      |               |             |                                         |
| 02/25/03      | PL       | Took the Minutes at the Charter Meeting (2.30).              | 2.30 | hrs  | \$70.00       | /hr         | \$161.00                                |
|               | PL       | Work on revisions to City Charter, revise and prepare        | 1.00 |      | \$70.00       | /hr         | \$70.00                                 |
| 02/25/03      | יות      | final minutes to 2-24 meeting. Prepare Agenda for            | 1.00 |      | 4             | ,           | 4,0,00                                  |
|               |          | meeting.                                                     |      |      |               |             |                                         |
| 02/26/02      | RJC      | Various phone calls with County Attorney's Office            | 0.40 | hrs  | \$200.00      | /hr         | · \$80.00                               |
| 02/26/03      | NIC      | re: various Charter Changes                                  | 0    |      | <b>4</b>      | ,           | 44-144                                  |
| 07/07/07      | RJC      | Review and revise draft minutes                              | 0.40 | hrs  | \$200.00      | /hr         | \$80.00                                 |
| 02/26/03      | RJC      | Implement final revisions and review Charter                 | 1.50 |      | \$200.00      | /br         | \$300.00                                |
| 02/26/03      |          | Telephone conference with Ms. Stacks and Ms.                 | 0.30 |      | \$200.00      | /hr         | \$60.00                                 |
| 02/26/03      | RJC      | Everett re: necessity of resolution and completion of        | 0.50 | шэ   | Φ200.00       | ,,,,,       | Ψ00.00                                  |
|               |          |                                                              |      |      |               |             |                                         |
| 00/06/07      | DIC      | county paperwork for committee                               | 0.20 | hrs  | \$200.00      | /hr         | \$40.00                                 |
| 02/26/03      | RJC      | Telephone call with Chair of Charter Committee, Al           | 0.20 | шэ   | Ψ200.00       | (10.        | φ+0.00                                  |
| 00.000.000    | n to     | Brewster  The horse all with Mr. Counthin Johnson Stocks ret | 0.40 | hrs  | \$200.00      | /hr ;       | \$80.00                                 |
| 02/26/03      | RJC      | Telephone call with Ms. Cynthia Johnson Stacks re:           | 0.70 | шз   | φ200.00       | 7100 3      | Ψ00.00                                  |
| 00/07/02      | OAR      | boundaries.                                                  | 7,00 | hrs  | \$200.00      | /hr         | \$1,400.00                              |
| 02/26/03      | CAE      | Revised Charter provisions; drafted minutes,                 | 7,00 | 1112 | Ψ200.00       | /1111       | Ψ1,400.00                               |
| 00/05/00      | DI       | attended Charter Committee Meeting                           | 1.50 | hrs  | \$70.00       | /hr         | \$105.00                                |
| 02/26/03      | PL       | Work on Final Draft of City Charter, revise final            | 1.50 | 1112 | Ψ,0.00        | /111        | Ψ105,00                                 |
|               | 73.7     | minutes from 2/25 and agenda for meeting.                    | 4.50 | hrs  | \$70.00       | /hr         | \$315.00                                |
| 02/27/03      | PL       | Took minutes at City Charter Meeting (2.5).                  | 4.50 | щэ   | \$70.00       | /113        | ΨJ.J.00                                 |
|               |          | Traveled to and from City Charter Meeting at Carol           |      |      |               |             |                                         |
|               | D.CO     | City Public Library (2.0).                                   | 0.40 | hrs  | \$200.00      | /hr         | \$80.00                                 |
| 02/27/03      | RJC      | Review County resolution and draft resolution                | 1.80 |      | \$200.00      | /hr         | \$360.00                                |
| 02/27/03      | RJC      | Review and revise final draft of charter                     |      | hrs  | \$200.00      | /hr         | \$560.00<br>\$560.00                    |
| 02/27/03      | RJC      | Take resolution and charter for signature to Al              | 2.00 | 1112 | \$200.50      | /111        | Ψ                                       |
|               |          | Brewster, Pat Braynon, County Attorney, and                  |      |      |               |             |                                         |
| a = /a = /a a | B. T. C. | Commissioner Ferguson                                        | 0.20 | hrs  | \$200.00      | /h+         | \$40.00                                 |
| 02/27/03      | RJC      | Telephone call with William Green re: finalizing             | 0.20 | шэ   | Ψ200.00       | /111        | Ψ-0,00                                  |
|               |          | resolution and sending Charter to appropriate County         |      |      |               |             |                                         |
|               | -        | officials                                                    | 1.50 | hrs  | \$70.00       | /hr         | \$105.00                                |
| 02/27/03      | PL       | Finalization of City Charter and Resolution in               | 1.50 | 1115 | \$70.00       | 7111        | \$105.00                                |
|               |          | preparation for signatures and forward to appropriate        |      |      |               |             |                                         |
|               | 5.70     | persons; finalize minutes from 2-26 meeting.                 | 0.50 | hrs  | \$200.00      | /hr         | \$100.00                                |
| 02/28/03      | RJC      | Telephone call with County Attorney re: appropriate          | 0.50 | шѕ   | \$200.00      | /11k        | \$100.00                                |
|               |          | language in resolution                                       | 0.40 | hrs  | \$200.00      | /hr         | \$80.00                                 |
| 03/01/03      | RJC      | Telephone call with County Official re: potential            | 0.40 | ms   | \$200.00      | /11/        | \$60.00                                 |
|               |          | legal battle over zoning issue with Pro Player               |      |      |               |             |                                         |
|               |          | Stadium                                                      | 0.20 | 1    | ድግስስ ስስ       | /L          | \$60.00                                 |
| 03/01/03      | RJC      | Telephone call with Committee Members re:                    | 0.30 | hrs  | \$200.00      | /hr         | \$60.00                                 |
|               |          | potential battle over zoning issue with Pro Player           |      |      |               |             | •                                       |
|               |          | Stadium                                                      | 0.00 |      | <b>#</b> #### | n           | Ø1 CO OO                                |
| 03/03/03      | RJC      | Telephone call with County Official re: zoning issue         | 0.80 | hrs  | \$200.00      | /hr         | \$160.00                                |
|               |          | and pros and cons                                            | 0 10 |      | 0000.00       | н           | መስለ ለለ                                  |
| 03/03/03      | RJC      | Telephone call to Pro Player Stadium Official                |      | hrs  | \$200.00      | /hr         | \$20.00                                 |
| 03/04/03      | RJC      | Telephone call with Pro Player representative re:            | 0.30 | hrs  | \$200.00      | /h <b>r</b> | \$60.00                                 |
|               |          | change in language to Charter                                |      |      | #B00 00       | а           | #40.00                                  |
| 03/04/03      | RJC      | Telephone call with Chair re: Pro Player conversation        |      | hrs  | \$200.00      | /hr         | \$40.00                                 |
| 03/04/03      | RJC      | Telephone call with County Official                          | 0.30 | hrs  | \$200.00      | /hr         | \$60.00                                 |
|               |          |                                                              |      |      |               |             |                                         |

| 03/05/03   | RJC              | Various phone calls with Chair Brewster re:                                                         | 0.          | 50 hrs   | \$200.00    | /hr         | \$100.00                |
|------------|------------------|-----------------------------------------------------------------------------------------------------|-------------|----------|-------------|-------------|-------------------------|
| 03/05/03   | RJC              | preparation for meeting Telephone call with Vice Chair Braynon re:                                  | 0           | 30 hrs   | \$200.00    | /hr         | \$60.00                 |
|            |                  | objections to Section 9.6 from Pro Player Stadium                                                   |             | o mo     | φ200.00     | 7111        |                         |
| 03/05/03   | RJC              | Telephone call with County Attorney re: DRI, zoning and election dates                              | ; 0         | 50 hrs   | \$200.00    | /hr         | \$100.00                |
| 03/05/03   | RJC              | Various conversations with County staff re: revisions                                               | 0.          | 30 hrs   | \$200.00    | /hr         | \$160.00                |
|            |                  | to Section 9.6, notice of meeting, and location of                                                  |             |          |             |             | \$100.00                |
| 03/05/03   | RJC              | meeting Proofread minutes in preparation for meeting                                                | n ·         | 20 hrs   | \$200.00    | /hr         | \$40.00                 |
| 03/05/03   | RJC              | Telephone call with Ron Book, Esq. re: language of                                                  |             | 30 hrs   |             | /hr         | \$60.00                 |
| 03/05/03   | RJC              | Section 9.6 Telephone call with Norman Powell, Esq. re: Pro                                         | 0.4         | 20 hrs   | \$200.00    | /1          | £40.00                  |
| 20120120   | IGC              | Player's agreement to allow City jurisdiction over                                                  | 0.,         | 20 1118  | \$200.00    | /hr         | \$40.00                 |
| 02/05/02   | CAR              | undeveloped land                                                                                    | <b>5</b> .4 |          | #200.00     | <i>1</i> 0  |                         |
| 03/05/03   | CAE              | Drafted 2-26 minutes; telephone conferences with Commissioner Betty Ferguson, Assistant County      | 2.0         | 00 hrs   | \$200.00    | /hr         | \$400.00                |
|            |                  | Attorney Cynthia Johnson-Stacks and Ron Book,                                                       |             |          |             |             |                         |
|            |                  | Esq.; revised Charter sections on initial elections and<br>Pro Player Stadium                       |             |          |             |             |                         |
| 03/06/03   | RJC              | Prepare for and attend Committee Meeting and                                                        | 4.0         | 00 hrs   | \$200.00    | /hr         | \$800.00                |
| 03/06/03   | CAE              | Commission Budget Committee Meeting Attended Charter Committee meeting and County                   | 4.0         | 00 hrs   | \$200.00    | /hr         | <b>ድ</b> ደባብ ባብ         |
|            |                  | Budget Finance meeting                                                                              | 7.0         | /U III3  | €           | 7111        | \$800.00                |
| 03/10/03   | CAE              | Drafted agenda for 3/11 meeting and drafted minutes of 3/6 meeting; telephone conference with Chair | 0.8         | 0 hrs    | \$200.00    | /hr         | \$160.00                |
|            |                  | Brewster and Shirley Gibson                                                                         | 4.50        |          | ·*          | ŧ.          |                         |
| 03/11/03   | CAE              | Attended North Dade Charter Committee scheduled                                                     | 2.(         | 0 hrs    | \$200.00    | /hr         | \$400.00                |
| 03/11/03   | CAE              | meeting Attended Charter Committee Meeting                                                          | 2.0         | 0 hrs    | \$200.00    | /hr         | \$400.00                |
| 04/09/03   | CAE              | Telephone conference with Ms. Shirley Gibson re:                                                    | 0.2         |          | \$200.00    | /hr         | \$40.00                 |
| 04/14/03   | RJC              | series of town hall meetings to discuss Charter Travel to and attend City of Miami Gardens          | 3.7         | 0 hrs    | \$200.00    | /hr         | \$740.00                |
|            |                  | Community Forum                                                                                     |             |          | Access to   |             | φ/+0.00                 |
| 04/21/03   | CAE              | Attended Town Hall meeting re: Charter approval at Carol City Senior High School.                   | 4.0         | 0 hrs    | \$200.00    | /hr         | \$800.00                |
| 05/05/03   | CAE              | Attended Town Hall meeting re: Charter approval at                                                  | 4.0         | 0 hrs    | \$200.00    | /hr         | \$800.00                |
|            |                  | Bunche Park Middle School.                                                                          |             |          |             |             |                         |
|            |                  | Total p                                                                                             | rofessio    | nal serv | rices:      |             | \$29,436.50             |
| DISBURSE   | MENTS            | •                                                                                                   |             |          |             |             | ,                       |
| 02/25/03   |                  | Westlaw Research                                                                                    |             |          |             |             | \$209.84                |
| 02/25/03   |                  | Westlaw Research                                                                                    |             |          |             |             | \$88.96                 |
| 02/25/03   |                  | Westlaw Research                                                                                    |             |          |             |             | \$53.02                 |
| 02/25/03   |                  | Westlaw Research                                                                                    |             |          |             |             | \$21.32                 |
| 03/13/03   |                  | Vendor Official Reporting Service, Inc.; Invoice # 7533                                             | 95; - In    | c. Nort  | h Dade area |             | \$300.00                |
| 07/31/03   |                  | meeting.; Deposition Transcripts and/or Video Depositi<br>Photocopies                               | on          |          |             |             | ድግና፤ 00                 |
| 07/31/03   |                  | Facsimile                                                                                           |             |          |             |             | \$751.00<br>\$96.00     |
|            |                  |                                                                                                     |             |          |             | <del></del> |                         |
| DILL DIC C | CTS ATS AC A 10° | Total disbursements for th                                                                          | is matte    | r:       |             |             | \$1,520.14              |
| BILLING ST | UIVIIVIAK        |                                                                                                     | 50.60 h     | re       | \$200.00 /1 | ar.         | \$12 120 00             |
|            |                  | Abitz, Marcy E.                                                                                     | 2.50 h      |          | \$125.00 /I |             | \$12,120.00<br>\$312.50 |
|            |                  |                                                                                                     | 2.30 h      |          | \$70.00 /1  |             | \$312.50<br>\$3,024.00  |
|            |                  | •                                                                                                   | 59.90 h     |          | \$200.00 /I |             | \$3,024.00              |
|            |                  |                                                                                                     |             |          | - <b>v-</b> |             |                         |
|            |                  | TOTAL FEES 17                                                                                       | 76.20 h     | rs       |             |             | \$29,436.50             |

| Photocopies                  | \$751.00    |
|------------------------------|-------------|
| Deposition Transcripts/Video | \$300.00    |
| Facsimile                    | \$96.00     |
| Miscellaneous                | \$373.14    |
| TOTAL DISBURSEMENTS          | \$1,520.14  |
| TOTAL CHARGES FOR THIS BILL  | \$30,956.64 |
| LESS TRUST ACCOUNT TRANSFER  | \$0.00      |
| PLEASE PAY THIS AMOUNT       | \$30,956.64 |

Please notify us within ten (10) days of any questions or dispute with this bill. Otherwise, we will assume you agree that these charges are fair and correct.

#### CYNTHIA A. EVERETT, P. A.

2600 DOUGLAS ROAD, SUITE 1100 CORAL GABLES, FLORIDA 33134

CYNTHIA A. EVERETT ALSO ADMITTED TO THE DISTRICT OF COLUMBIA BAR

BOARD CERTIFIED
LABOR AND EMPLOYMENT LAWYER

TELEPHONE: (305) 446-3244
FACSIMILE: (305) 446-3538
EMAIL: COOSO@bellsouth.net

OF COUNSEL CLYNE & SELF, P. A.

July 17, 2003

William Green, Jr., J.D.
Policy and Legislative Advisor
Office of Commissioner Betty Ferguson
111 N.W. 1<sup>st</sup> Street, Suite 220
Miami, Florida 33128-1963

Re: Invoice for Legal Services for Clyne & Self, P.A. and Cynthia A. Everett, P.A.

Dear William:

If possible, please include the attached recording and copy fee charge of \$288.50 to the above-referenced invoice. Per the Miami-Dade County Charter, I filed the City of Miami Gardens Charter with the Clerk of the Court. By copy of this letter, I am sending a certified copy of the filed Charter to Mayor Gibson for delivery to the City Clerk.

Please call me if you have any questions.

Very truly yours,

Cynthia A. Everett

CAE/

Enclosure

cc: Mayor Shirley Gibson

Reginald J. Clyne, Esquire w/o enclosure

L:\0340-101\Corr\Green ltr2.wpd

MIAMI-DADE COUNTY CLERK OF COURT RECORDS DEPARTMENT 22 N.W. 1ST STREET MIAMI, FL 33128

DATE:07/16/2003 TIME:11:16:49 AM RECEIPT:85583

CASH

AMOUNT DUE: \$288.50 CREDIT CARD: \$288.50 TOTAL PAID: \$288.50

VISA # XXXX-6977 CYNTHIA A EVERETT

REC BY:DAN DEPUTY CLERK

## City of Miami Gardens

#### **MEMORANDUM**

To:

The Honorable City Council

From:

**Mayor Shirley Gibson** 

Date:

August 7, 2003

Re:

Resolution Accepting Invitation to Join MPO Board

#### Recommendation:

It is recommended that the City Council consider the attached Resolution.

#### Reasons:

Recently, I received an invitation on behalf of the City of Miami Gardens to join the Metropolitan Planning Organization Governing Board ("MPO" Board). This invitation was forwarded to the City because the City is the third largest municipality in Miami-Dade County. The four largest municipalities in Miami-Dade County are eligible to join the Board.

As you may know, the MPO Board is the authority on all local transportation-planning matters in Miami-Dade County. More specifically, the Board establishes transportation policies and priorities for Miami Dade County. The Board is composed of twenty-one (21) voting members. These voting members include the Mayors of the four largest municipalities in Miami-Dade County and the thirteen (13) Miami-Dade County Commissioners.

Over the years, I have worked closely with Commissioner Betty T. Ferguson to promote and protect the transportation needs of the residents of Miami-Gardens. In particularly, I have appeared before an advisory committee for the MPO Board to advocate on behalf of the residents of Miami Gardens. In light of the pending discussions regarding the North rail corridor, it is important for the City of Miami Gardens to have its voice heard at the meetings of the MPO Board. Therefore, I respectfully submit the attached Resolution for your consideration.

#### RESOLUTION NO. 2003-

| A                 | RESOLUTION OF THE CITY COUNCIL OF THE CITY                                  |
|-------------------|-----------------------------------------------------------------------------|
| C                 | OF MIAMI GARDENS, FLORIDA, ACCEPTING                                        |
| I                 | NVITATION TO JOIN THE METROPOLITAN                                          |
| P                 | LANNING ORGANIZATION GOVERNING BOARD                                        |
| ('                | "MPO" BOARD); PROVIDING FOR THE SELECTION OF                                |
| `                 | TO SERVE AS A                                                               |
| $ar{	extbf{v}}$   | OTING MEMBER OF THE MPO BOARD; PROVIDING                                    |
| F                 | FOR AN EFFECTIVE DATE.                                                      |
|                   |                                                                             |
| *****             |                                                                             |
|                   | EAS, the City of Miami Gardens, via the Mayor, has been formally invited to |
| join the Metropo  | olitan Planning Organization Governing Board ("MPO" Board); and             |
|                   |                                                                             |
|                   | EAS, the MPO board was created to address transportation needs in the South |
| Florida areas; ar | nd .                                                                        |
|                   |                                                                             |
| WHER              | EAS, the City wishes to join the MPO Board in order to address the          |
| transportation n  | eeds of the City and surrounding areas.                                     |

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS: Acceptance of Invitation. The City Council hereby accepts the invitation to join Section 1. the MPO Board. Section 2. Selection of Representative. The City Council hereby selects to represent the City on the MPO Board. Effective Date. This Resolution is effective upon adoption. Section 3.

|         | Shirley Gibson, Mayor |  |
|---------|-----------------------|--|
| ATTEST: |                       |  |

**PASSED** and **ADOPTED** this day of August, 2003.

, Acting City Clerk

## APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Hans Ottinot, Interim City Attorney

| e de la companya de l | Moved by:    |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------|
| ·                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Seconded by: |        |
| VOTE:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |              |        |
| Mayor Shirley Gibson                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | (Yes)        | (No)   |
| Vice Mayor Aaron Campbell                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | (Yes)        | (No)   |
| Councilman Melvin Bratton                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | (Yes)        | (No)   |
| Councilman Oscar Braynon II                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | (Yes)        | (No)   |
| Councilwoman Audrey King                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | (Yes)        | (No)   |
| Councilwoman Sharon Pritchett                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | (Yes)        | (No) . |
| Councilwoman Barbara Watson                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | (Yes)        | (No)   |

In response to a federal mandate, the Metropolitan Planning Organization (MPO) was created in 1977 as a mechanism to conduct a continuing, cooperative, comprehensive and coordinated (4-C) planning process for the transportation needs of the Miami urbanized area. The MPO Governing Board is composed of 21 voting members appointed by the Governor and two non-voting members. These members are:

- Thirteen (13) Miami-Dade County Commissioners.
- Four (4) Mayors of cities with a population over 50,000.
- An elected municipal official, representing the Miami-Dade League of Cities.
- A citizen from unincorporated Miami-Dade County who is not an elected official.
- A member of the Miami-Dade School Board.
- A member of the Miami-Dade County Expressway Authority.
- Two representatives of the Florida Department of Transportation (Non-voting members).

The MPO Governing Board is the authority on all local transportation planning matters and ensures that all entities engaging in transportation related activities conform with federal and state requirements.

#### Responsibilities

- Approves the development and deployment of highways, mass transit and other transportation facilities and services.
- Approves MPO budget, contracts and agreements.
- Establishes transportation policies and priorities.

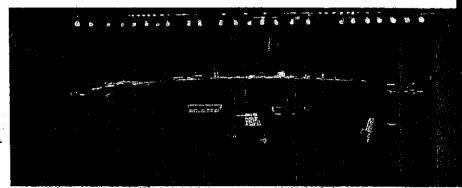
The MPO Secretariat provides technical support to the MPO Governing Board and coordinates the execution of its policies. In addition to the staff, there are four committees that directly respond to the Board.



Bicycle/Pedestrian Advisory Committee (BPAC)
Citizens' Transportation Advisory Committee (CTAC)
Transportation Aesthetics Review Committee (TARC)
Transportation Planning Council (TPC)

The MPO Governing Board meets each month (except August). Agendas are prepared by MPO staff and meetings are open to general public.







#### DR. BARBARA M. CAREY-SHULER

CHAIRPERSON, BOARD OF COUNTY COMMISSIONERS

COMMISSIONER, DISTRICT 3

July 24, 2003

The Honorable Shirley Gibson, Mayor City of Miami Gardens 111 NW 1street Miami, FL 33128

Dear Mayor Gibson:

It is with pleasure that I congratulate the City of Miami Gardens on its incorporation as the third largest city in Miami-Dade County and on having completed the process of electing all members of its City Council.

The purpose of this letter is to inform you that the City of Miami Gardens is eligible to appoint one (1) elected official to the Metropolitan Planning Organization (MPO) Governing Board to serve as a voting member. As you may be aware, and as required by federal and state statutes, the MPO guides the transportation planning process in Miami-Dade County and is charged with approving the development and deployment of highways, mass transit and other transportation facilities and services in the metropolitan area.

Once a City of Miami Gardens representative is chosen, MPO staff will contact the designated official with meeting dates and additional information pertaining to the MPO Board and transportation planning activities in Miami-Dade County. Enclosed with this letter you will find two publications describing in general terms the current membership and activities of the MPO.

We look forward to working with the City of Miami Gardens in this important program.

Barbara Carey Shuler, Chairperson

MPO Governing Board

Enclosures

c. Honorable Members, MPO Governing Board Honorable Harvey T. Ruvin, Clerk of the Court

# City of Miami Gardens

#### MEMORANDUM

To:

The Honorable City Council

From:

William J. Green, Transitional Coordinator

Date:

August 7, 2003

Re:

PURCHASE OF COMPUTERS AND RELATED EQUIPMENT

#### RECOMMENDATION:

It is recommended that the City Council approve the attached resolution.

#### **REASONS:**

The City is in need of computers and computer related equipment in order to carry out its daily business affairs effectively and efficiently. As such, it is recommended that we purchase computers for the administrative offices. Further, it is requested that we waive all formal competitive bidding requirements, and purchase the equipment through competitive pricing amongst reputable vendors.

#### RESOLUTION NO. 2003-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE **PURCHASE COMPUTERS** AND RELATED OF EQUIPMENT FOR THE ADMINISTRATIVE OFFICES OF CITY: **PROVIDING** FOR WAIVER THE A COMPETITIVE BIDDING REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is in need of computers for its administrative offices; and

WHEREAS, the City wishes to purchase computers in order to carry out its business.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

<u>Section 1.</u> <u>Authorizing the Purchase of Computers.</u> The City Council hereby authorizes the purchase of computers for its administrative offices.

<u>Section 2.</u> Waiver of Competitive Bidding Requirements. The City Council finds that it is impracticable to secure the computer expeditiously on a competitive bid basis and therefore authorizes the purchase of the computers from the most responsible vendor without competitive bidding.

<u>Section 3.</u> <u>Effective Date.</u> This Resolution shall become effective upon adoption.

**PASSED** and **ADOPTED** this day of August, 2003.

|                  | Shirley Gibson, Mayor |
|------------------|-----------------------|
| ATTEST:          |                       |
|                  |                       |
| , Acting City Cl | lerk                  |

# APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Hans Ottinot, Interim City Attorney

|                               | Moved by:    |
|-------------------------------|--------------|
|                               | Seconded by: |
| VOTE:                         |              |
| Mayor Shirley Gibson          | (Yes) (No)   |
| Vice Mayor Aaron Campbell     | (Yes) (No)   |
| Councilman Melvin Bratton     | (Yes) (No)   |
| Councilman Oscar Braynon II   | (Yes) (No)   |
| Councilwoman Audrey King      | (Yes)(No)    |
| Councilwoman Sharon Pritchett | (Yes) · (No) |
| Councilwoman Barbara Watson   | (Yes)(No)    |

# City of Miami Gardens

## **MEMORANDUM**

To:

The Honorable City Council

From:

**Mayor Shirley Gibson** 

Date:

August 7, 2003

Re:

Resolution in Support of National Night Out Against Crime

#### Recommendation:

It is recommended that the City Council adopt the attached Resolution.

#### Reason:

The City of Miami Gardens has a strong desire to protect the welfare and safety of its residents. By supporting crime watch activities of its residents, the City is demonstrating its commitment to promoting and protecting the general welfare of its residents.



# BRENTWOOD Citizens Crime Watch Org.

@ Carol City Office

P.O. Box 1545, Carol City, FL 33055 E-Mail address: dbsmitht@bellsouth.net

BUSINESS TELE: (DAY PHONE) 305- 541-8435

HOME TELE: (EVENINGS) 305 621-9476

THE CITY OF MIAMI GARDENS

ATTN: THE HONORABLE MAYOR-SHIRLEY GIBSON

MIAMI GARDENS, FL 33056

JULY 24, 2003

DEAR HONORABLE MAYOR SHIRLEY GIBSON:

REQUEST YOUR PARTICIPATION TO SPEAK AT OUR NATIONAL CRIME-WATCH NIGHT OUT EVENT AS OUR GUEST SPEAKER ON TUESDAY/AUG. 05, 2003@ 7:30PM PROGRAM/LOCATION: MIAMI-DADE POLICE DEPT.-18805 NW 27th AVE/STATION #9 (FRONT PARKING LOT). WE WOULD ALSO LIKE TO INVITE THE OTHER NEW COUNCILMEN & COUNCLWOMEN TO ATTEND THE SAME FUNCTION TO AGAIN INTRODUCE THEM TO OUR COMMUNITY. MAJOR WILLIE MARSHALL-DISTRICT COMMANDER/STATION-9 OF MIAMI-DADE POLICE DEPT. WILL BE OUR OTHER GUEST SPEAKER FOR THIS OCCASSION TO COMBAT CRIMES AND TO PREVENT CRIMES IN OUR COMMUNITY. THE THEME: "GIVE NEIGHBORHOOD CRIME & DRUGS A GOING AWAY THIS EVENT WILL BE HOST BY BRENTWOOD CITIZENS' CRIME WATCH, MYTRLE GROVE CRIME WATCH ORG, A CREST VIEW CITIZENS' CRIME-WATCH TEAMING UP THIS YEAR TO UNIFY OUR NEIGHBORROOD SO PLEASE JOIN US IN THIS OCCASSION & ALL OF THE OTHER COUNCIL MEMBERS OF THE CITY OF MIAMI GARDENS. FL.

WE ARE ALSO HAVING A COMMUNITYY MARCH OF THE SAME DATE-TUESDAY, AUG. 05, 2003 @ 6:00PM TO BEGIN THE MARCH THROUGH THE IMMEDIATE NEIGHBOR, BUT THE LINE UP WILL START AT 5:45PM AT THE LOCATION: 191 STREET & NW 27th AVE (VACANT PARKING LOT) PARELLAL TO THE CROSS LANDING APTS TO 191 ST & 32 AVE (LEFT TURN) TO 189 STREET & 32 AVE (LEFT TURN) AT 32 AVE & 183RD STREET AND RETURNING THE STATION #9/MIAMI-DADE POLICE DEPT. FOR A PROGRAM & REFRESHMENTS FOLLOWING THIS MARCH. PLEASE CALL ME, DOROTHY SMITH, PRESIDENT OF BRENTWOOD CRIME-WATCH AT MY BUSINESS TELE: (305) 541-8435 (8AM-4PM) OR MY HOME TELE: (305) 621-9476 AFTER 5:00FM, IF YOU CAN SPRAK OR THE THE COUNCIL MEMBERS CAN ATTEND EITHER FUNCTION ON TUESDAY/AUGUST 5, 2003 WILL BE DEEPLY APPRECIATED BY BRENTWOOD CCW AND THE COMMUNITY. PLEASE RESPOND BY AUGUST 1, 2003, BY COB: 4:00PM. (THANKS)

HONORABLE B. WATSON

SINCERELY

DOROTHY D. SMITH, PRESIDENT

BRENTWOOD CITIZENS'CRIME WATCH ORG.

COUNCILMEMBERS/CITY MIAMI-GARDENS

HONORABLE A. CAMPBELL, JR

HONORABLE M. BRATTON HONORABLE S. PRICHETT

HONORABLE OSCAR BRAYNNON

HONORABLE ADDREY KING

#### RESOLUTION NO.2003-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENS. MIAMI **FLORIDA** EXPRESSING STRONG SUPPORT FOR THE PEP RALLY TO MARK NATIONAL NIGHT OUT AGAINST CRIME SPONSORED BY BRENTWOOD **CITIZENS CRIME** WATCH, CRESTVIEW CITIZENS CRIME WATCH. AND MYRTLE GROVE **CITIZENS'** CRIME WATCH: PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens has a strong desire to protect the health and safety of its residents; and

WHEREAS, the Brentwood Citizens' Crime Watch, Crestview Citizens' Crime Watch, and the Myrtle Grove Citizens' Crime Watch is sponsoring a pep rally to mark National Night Out Against Crime, and

WHEREAS, the City Council wishes to express strong support for the pep rally sponsored by citizens' crime watch organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOW:

Expression of Support. The City Council hereby announces its support for the pep rally to mark the National Night Out Against Crime sponsored by the Brentwood Citizens' Crime Watch, Crestview Citizens' Crime Watch, and Myrtle Grove Citizens' Crime Watch.

Section 2. Effective date. This Resolution shall become effective upon adoption.

| PASSED and ADOPTED this | day of August, 2003.  |  |
|-------------------------|-----------------------|--|
|                         | Shirley Gibson, Mayor |  |
| ATTEST:                 |                       |  |
| Acting City Clerk       |                       |  |

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Hans Ottinot, anerim City Attorney

| ·                             | Moved by:    |
|-------------------------------|--------------|
|                               | Seconded by: |
| VOTE:                         |              |
| VOTE:                         |              |
| Mayor Shirley Gibson          | (Yes) (No)   |
| Vice Mayor Aaron Campbell     | (Yes) (No)   |
| Councilman Melvin Bratton     | (Yes) (No)   |
| Councilman Oscar Braynon II   | (Yes) (No)   |
| Councilwoman Audrey King      | (Yes) (No)   |
| Councilwoman Sharon Pritchett | (Yes) (No)   |
| Councilwoman Barbara Watson   | (Yes) (No)   |

# City of Miami Gardens

## **MEMORANDUM**

To:

The Honorable City Council

From:

**Mayor Shirley Gibson** 

Date:

August 7, 2003

Re:

**Resolution Appointing Interim City Manager** 

#### Recommendation:

It is recommended that the City Council adopt the attached Resolution.

#### Reasons:

At the first council meeting, the Council adopted a resolution, which provided me with authority to solicit proposals from recruitment firms to conduct a national search for a City Manager. Subsequent to the adoption of the resolution, I realized that the search for a permanent City Manager would take more time than expected. As such, I believe that it is in the best interest of the City to appoint Cynthia Curry as Interim City Manager. Thank you for your consideration of this a matter.

#### RESOLUTION NO. 2003-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPOINTMENT OF CYNTHIA W. CURRY AS INTERIM CITY MANAGER; AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE CONSULTANT AGREEMENT BETWEEN THE CITY AND CWC & ASSOCIATES, INC., ATTACHED HERETO AS EXHIBIT "A"; PROVIDING INTERIM CITY MANAGER WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO MANAGE THE DAY-TO-DAY OPERATIONS OF THE CITY; PROVIDING FOR REPEALER; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, under the City Charter, the Mayor has the authority to appoint a City Manager with the approval of the City Council; and

WHEREAS, the Mayor wishes to appoint Cynthia W. Curry as Interim City Manager to serve at the will of the City Council until the appointment of a permanent City Manager.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

- <u>Section 1.</u> <u>Appointment of Interim City Manager.</u> The City Council hereby approves the appointment of Cynthia W. Curry, as Interim City Manager.
- <u>Section 2.</u> <u>Authority of Mayor.</u> The Mayor is hereby authorized to execute the addendum to the consultant agreement between the City and CWC & Associates, Inc., attached hereto as Exhibit "A", on behalf of the City.
- Section 3. Authority of Interim City Manager. The Interim City Manager shall be responsible for the day-to-day operations of the City. The Interim City Manager shall also be responsible for supervising the Transitional Coordinator and Administrative Coordinator. The Interim City Manager shall have the authority to enter into contracts on behalf of the City and shall have the authority to extend and terminate contracts of independent contractors and individuals under her supervision, provided that notice is given to the City Council.
- <u>Section 4.</u> Repealer. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed insofar as they are inconsistent or in conflict with this Resolution. Resolution No. 2003-10 is hereby by repealed.

Section 5. Effective Date. This Resolution shall become effective upon adoption.

PASSED and ADOPTED this \_\_\_\_ day of August, 2003.

|                                                                                                                                                                                         | •                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| •                                                                                                                                                                                       | Shirley Gibson, Mayor                                                                                                                                                  |
| ATTEST:                                                                                                                                                                                 |                                                                                                                                                                        |
| , Acting City Clerk                                                                                                                                                                     |                                                                                                                                                                        |
| APPROVED AS TO FORM AND LEGAL SUFFICIENCY:                                                                                                                                              |                                                                                                                                                                        |
| Hans Ottinot, Unterim City Attorney                                                                                                                                                     |                                                                                                                                                                        |
|                                                                                                                                                                                         | Moved by:                                                                                                                                                              |
|                                                                                                                                                                                         | Seconded by:                                                                                                                                                           |
| VOTE:                                                                                                                                                                                   |                                                                                                                                                                        |
| Mayor Shirley Gibson Vice Mayor Aaron Campbell Councilman Melvin Bratton Councilman Oscar Braynon II Councilwoman Audrey King Councilwoman Sharon Pritchett Councilwoman Barbara Watson | (Yes)       (No)         (Yes)       (No)         (Yes)       (No)         (Yes)       (No)         (Yes)       (No)         (Yes)       (No)         (Yes)       (No) |

# AMENDMENT NO. 1 TO CONSULTING AGREEMENT BY AND BETWEEN CITY OF MIAMI GARDENS AND CWC & ASSOCIATES, INC. DATED JULY \_\_\_\_\_, 2003

|          | AS, the CWC & Associates, Inc. was n No. 2003; and                                                       | hired as Consultants to the City and approved by                                                     |  |
|----------|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--|
|          | AS, the City Council wishes to expands, Inc. to include the position of Interior                         | d the scope of services to be provided by CWC & m City Manager;                                      |  |
|          | AS, CWC & Associates, Inc. has agretional cost to the City;                                              | eed to perform the duties of Interim City Manager                                                    |  |
|          | HEREFORE, the City hereby amend iami Gardens and CWC & Associates                                        | ds the consulting agreement by and between the , Inc., as follows:                                   |  |
| 1.       |                                                                                                          | ne and perform the functions and duties of Interim<br>ni Gardens until such time as the City hires a |  |
| 2.       | The total costs for these services will not exceed \$10,000 per month as specified in the base contract. |                                                                                                      |  |
| 3.       | All other terms and conditions of the                                                                    | e contract remain the same.                                                                          |  |
| CWC &    | ASSOCIATES, INC.                                                                                         | CITY OF SUNNY ISLES BEACH                                                                            |  |
| By:Cyntl | hia W. Curry, President                                                                                  | By:Shirley Gibson, Mayor                                                                             |  |
|          | VED AS TO FORM<br>GAL SUFFICIENCY:                                                                       | ATTEST:                                                                                              |  |
| By: Mans | Ottinot, Interim City Attorney                                                                           | By:, Acting City Clerk                                                                               |  |
| <i>J</i> |                                                                                                          | Data                                                                                                 |  |

TO:

Mayor and Members of the City Council

FROM:

Cynthia W. Curry

CWC & Associates, Inc.

Transition Team

Date:

August 4, 2003

SUBJECT:

Update on Various Issues Regarding Transition

As a member of the Transition Team I have been assigned to follow-up on some very specific areas and would like to take this opportunity to update the Council on the progress in these areas.

#### **Budget Review and Development**

## Transition Budget (May 13 - September 30, 2003)

Charter activities (Section 8.6 of the Charter), coupled with the activation of municipal operations several weeks ago dictate the need for a "transition" budget to support the start-up of municipal government and services through the end of the current fiscal year which ends September 30, 2003. In order to provide revenue for start-up municipal services, Miami-Dade County (County) has advanced to the City of Miami Gardens (City) initial start-up funds to support such activities. Resolution 2003-04 adopted by the Council on July 24, 2003, authorizes the acceptance of funds (\$300,000) via execution of an interlocal agreement between the County and the City.

To properly recognize revenues and expenditures during the transition period, a transition budget presented in the form of a budget ordinance will be recommended to the Council on August 20. According to the City Charter, an ordinance must be used because the appropriation of funds is an action that requires an ordinance. Additionally, because the City is in a transition period, coupled with the fact that there is no millage rate to levy taxes in the transition budget, an emergency ordinance requiring only one reading is recommended.

# Fiscal Year 2003-2004 Budget (October 1, 2003 - September 30, 2004)

A budget to address full year municipal services provided by the City is currently under development. As stipulated in chapter 218.33 of the Florida State Statutes, each local government entity shall begin its fiscal year (FY) on October 1 of each year and end it on September 30. Representatives for the City are meeting with the County to negotiate the terms, conditions and provisions, which will govern the transition of government services and functions from the County government to the City government. The results of this process will impact the budget. The final determination of service provisions will be captured in interlocal agreements. There will be an agreement that will specifically

address "Specialized Police Services;" one that will address "Local Police Services," and another that will address "Other" services. According to the Charter (Section 9.1), interlocal agreements establishing service relationships must be set within one hundred eighty (180) days after the election of a municipal council. This time frame clearly extends beyond October 1. If negotiations concerning the interlocal agreements stall for any reason, a budget amendment to make adjustments might be necessary later in the 180-day time frame. Withstanding the aforementioned, the annual FY 2003-04 budget adopted by the Council in September must be a balanced budget, and adopted in accordance with Florida law (City Charter, section 4.5).

Regarding the full year budget, the City will not establish a millage rate to levy taxes. This determination is dictated by the Florida Statutes, chapter 200.066 (Newly created tax units). The initial year millage rate that will apply to the City of Miami Gardens was developed by the County, and is proposed at 2.447 representing no change from the FY 2002-03 Unincorporated Municipal Service Area (UMSA) millage rate. The forum to address issues regarding the UMSA millage rate is the Miami-Dade County budget hearing venue. Budget hearings are scheduled for September 3<sup>rd</sup> and 17<sup>th</sup> at 5:00p.m in the County Commission Chambers, 111 N.W. 1<sup>st</sup> Street. The Miami-Dade County Budget and Finance Committee has also scheduled a budget hearing on September 13<sup>th</sup>, 6:30p.m. at the North Dade Regional Library located at 2455 N.W. 183 Street.

The FY 2003-04 budget for the City of Miami Gardens will be recommended to the Council in the form of an ordinance. In the case of the full year budget, the budget recommendation will be placed on the Council's agenda for the meetings of September 10<sup>th</sup> and the 20<sup>th</sup>. In order for the Council to have some time to study the budget and the process around it, a workshop is scheduled for Monday, September 8, 2003, location to be determined.

#### **Training**

Please be advised that the Florida League of Cities conducts, for a nominal fee, revenue training with the Council and staff. During this training, they review revenue structure, recommend taxes, fees, assessments and other options. Additionally, Florida League of Cities staff is available to conduct a one-day overview (no cost to City) for new Council members and staff. The overview includes:

- Structure and function of cities in Florida
- Charters, key officials and the role of the council
- Revenue Sources
- Intergovernmental relationships in Florida
- Effective council techniques and other resources
- Official liability

For information purposes, the Florida League of Cities is hosting its annual conference on August 14-6, 2003 at the Wyndham Palace in Lake Buena Vista.

#### Position Announcement

# CITY CLERK CITY OF MIAMI GARDENS

#### DEFINITION/MAJOR FUNCTION

The City Clerk is an Officer of the City and is appointed by the Mayor, subject to the approval of the majority of the City Council. The City Clerk reports to the City Council. Serving as the liaison between the public and the City Council. The City Clerk is responsible for recording and maintaining official records of the City and recording actions of the City Council.

#### ILLUSTRATIVE DUTIES

- Attends Council meetings and is responsible for recording all motions, votes, and actions; Prepares minutes of each meeting and reviews same for errors and confirmation of Council actions prior to submission for approval; and maintains Official Minutes and Agendas.
- Records and attests all ordinances, resolutions, proclamations, contracts and deeds; administers oaths, accepts affidavits, and issues certificates of indebtedness for all lawful purposes. Maintains municipal deeds, leases, agreements and other records as required; posts public notices as required; maintains tax record files.
- Supervises all municipal elections and coordinates the official report of such elections, interfacing closely with the Miami-Dade County Elections Department. Administer State campaign financing and disclosure laws.
- Receives bids, officiates at bid openings, returns unsuccessful bid bonds and archives bid documents.
- Insures control of all public records as custodian of records in accordance with Florida State Bureau of Archives rules and regulations.
- Maintains custody of City's official seal; signs documents and affixes seal.
- Performs related work as required.

#### MINIMUM QUALIFICATIONS

Knowledge, Abilities and Skills: Thorough knowledge of charter, ordinances, policies and procedures of the City. Considerable knowledge of legal requirements, rules and procedures of City Council meetings. Considerable knowledge of the organization, function and activities of a municipal government and strong computer skills. Knowledge of office methods, procedures and equipment. Ability to plan and supervise the work of clerical subordinates. Ability to accurately prepare and report Council

actions. Ability to establish and maintain effective relationships with City officials, employees, and the general public.

Training and Experience: Graduation from an accredited college or university with major coursework in Business, Public Administration or related field; 5 years experience in public administration, including 3 of those years of experience in local government at a office management/supervisory level; or an equivalent combination of training and experience. The minimum requirements may be adjusted based upon experience and other qualifications.

#### SALARY

Competitive salary and benefits commensurate with experience (Salary range estimate based on a review of the Florida League of Cities Cooperative Salary Survey for Group I: Cities Over 50,000 Population): \$60,000 - \$90,000

Employment Ad Circulated: The Miami Herald, Sunday, 8/3/03; The Miami Times, Thursday, 8/8/03; Saturday Edition, Saturday, 8/9/03; Florida League of Cities via email); Florida Clerks' Association, Clerks Notes, 8/8/03; Miami-Dade Clerks Association Network

# CITY CLERK CITY OF MIAMI GARDENS

The City of Miami Gardens seeks a dynamic individual with experience as a Municipal Clerk; Bachelor's degree in public admin, business or related field preferred; exceptional organizational and communication skills; knowledge of modern office procedures, equipment and computers; knowledge of Public Information and Records Laws; supervisory experience; municipal election experience; and ability to perform additional duties as required. Competitive salary and benefits commensurate with experience.

Submit resume to: CWC & Associates, Inc., Attention: Cynthia W. Curry, 150 SE 2<sup>nd</sup> Avenue, Suite 913, Miami, FL 33131. For questions or a more detailed description of the position, please call 305-653-3944. Deadline for submitting resumes is 8/15/03.

Attachment 1

#### **Employment Search for City Clerk**

Ms. Meighan Pier, City Clerk for the Village of Palmetto Bay, is currently executing the duties of City Clerk on a volunteer basis. Ms. Pier has graciously committed to extend her services to the City of Miami Gardens through August 20, 2003.

Pursuant to Resolution 2003-12 adopted on July 24, 2003 authorizing that a search be conducted for a permanent City Clerk, preparations are currently underway to fill the position of City Clerk. A job description and position announcement have been prepared, and advertisements have been placed in the Miami Herald (Sunday, 8/7 Employment Ad section); The Miami Times (Thursday, 8/7; Saturday Edition, Saturday, 8/9; The Florida League of Cities/ Clerks Notes; and the local network of City/County Clerks. A copy of the job description and ad are attached for your reference.

The process for the search is as follows:

- Deadline for submission of resumes 8/15
- Review of resumes 8/18
- Check references and degrees 8/21
- Interviews of selected candidates 8/25 (Interview panel appointed by the Mayor): William Green, Transition Coordinator, Meighan Pier, City Clerk, Village of Palmetto Bay, Kaye Sullivan, Deputy Clerk of the Board, Miami-Dade County, Hans Ottinot, Interim City Attorney, City Miami Gardens; Guido Inguanzo, Village Clerk, Village of Pinecrest
- Presentation of finalists to Mayor for selection of nominee 8/26
- Presentation of Mayor's nominee to Council for confirmation 9/10

#### **Executive Search for City Manager**

Pursuant to Resolution 2003-15 adopted on July 24, 2003 authorizing the Mayor or designee to solicit proposals from executive search firms for the purpose of conducting a national search for the position of City Manager, efforts are underway to fast track this process. Attached to this report are:

- Draft job description/position announcement
- Search start-up process (explanation of what is involved in engaging an executive search firm)
- Tentative search schedule

Subsequent to discussion by the Council regarding the process as outlined,

letters of invitation will go out to 3 to 5 firms soliciting their interest and the submission of a proposal for providing specific services to support the search. The Mayor will appoint an executive search interview panel representing both public and private sector expertise.

#### Website Development

In order to position the City of Miami Gardens to communicate via the internet, a domain name has been registered for the City: <a href="https://www.miamigarpoven-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-strain-

#### Position Announcement - For Release to Prospects

### CITY MANAGER CITY OF MIAMI GARDENS, FLORIDA

#### The City of Miami Gardens Florida

Incorporated May 13, 2003, the City of Miami Gardens is currently the third largest municipality in Miami-Dade County encompassing a population of 103,918. The City is in the start-up phase of hiring key city officials, establishing critical policies and procedures, and setting up administrative infrastructure to support a dynamic, effective, efficient and responsive local government that will provide an array of municipal services to the residents and businesses of the City.

#### **Position Description**

As chief administrator of the City, the City Manager ensures that City Commission policies are properly executed by the City Administration, and that City services are provided in an effective and efficient manner. The City manager oversees and is responsible for a budget approximated at \$36 million. The responsibility and authority of the City Manager are more fully described in the City Charter (attached).

#### Reporting Relationships

The City Manager reports directly to the Mayor and the City Council. While the City Attorney and the City Clerk report directly to the City Council, the City manager is expected to work collaboratively with both of these offices.

#### Responsibilities of the City Manager

Responsibilities include, but are not limited to:

- Overall leadership and administration of the City within the guidelines of the policies established by the City Council
- Organizing and preparing for the meetings of the City Council and providing agenda management for all city departments
- Preparation and management of City finances and annual budget
- Efficient and effective utilization of human, fiscal, and physical resources to ensure that City services are delivered with excellence
- Development of a competent and cohesive workforce
- Planning for City economic development, culture, quality of life, and physical infrastructure
- Ensuring that residents and commercial entities are satisfied with the services received

• Building and maintaining collaborative relationships with public and private partners

#### **Essential Qualifications**

- A Bachelor's degree from an accredited institution of higher education
- At least five years of experience within the last 10 years in city or county government at the level of City or County Manager, Assistant/Deputy City or County Manager, or City or County Department Director

#### **Desirable Qualifications**

- A postgraduate degree from an accredited institution of higher education in public affairs, law, business, or a related field
- Experience in a city or county government with a budget of over \$ 30 million
- Successful experience as a City Manager
- Experience in a city with both residential and commercial taxpayers
- Experience with managing growth in an urban area
- Experience in an ethnically diverse community
- Receipt of awards for excellence during tenure in government

#### **Skill Sets**

- Demonstrated competence in budgeting and managing organizational finances
- Demonstrated ability to work closely with a Board/Council/Commission
- Demonstrated management practices and processes that employ excellent human resource policies
- Demonstrated ability to handle complex contract negotiations and interpret complex documents
- Demonstrated ability to respond effectively to the most sensitive inquiries and complaints
- An open and collegial management style; yet able to maintain appropriate organizational discipline
- Teamwork and consensus-building skills
- Demonstrated ability to attract, develop, manage, and retain a professional staff of the highest quality
- Capable of understanding and leveraging technology to the benefit of the organization
- Superior oral and written communication skills, specifically including public speaking
- Demonstrated ability to network with respected opinion leaders in government, higher education, and the civic, non-profit, and business sectors
- Demonstrated ability to build and foster mutually respectful relationships throughout the diverse sectors of the community
- Strong interpersonal skills

- Ability to manage for results
- Ability to analyze complex information, identify the most important points, determine the best course of action, and present the data and recommendations in a clear, concise, and easily understandable way

#### Knowledge and Understanding

Understanding of the role of a Chief Administrative Officer Keen understanding of how to function effectively in a multi-ethnic community Ability to see the big picture Ability to delegate effectively

#### Personal Characteristics

Tact and diplomacy Absolute integrity Genuine commitment to public service Very Confident

#### Compensation and Timetable

A competitive base salary determined by the successful candidate's level of professional experience, plus benefits package

Position now available

Suggestions for candidates and expressions of interest should be addressed to:

# Search Initiation Process City Manager City of Miami Gardens

(Prepared by Cynthia W. Curry)

#### General Executive Search Engagement Standards:

- On the average 30% of base salary for the position, plus direct expenses related to search (for example: travel (all travel should be approved before it occurs), lodging, video conferencing); direct expenses should be capped
- Some firms charge a percentage (10-12%) of professional fee for administrative cost such as administrative support, communications, courier, reproduction, computing)
- Some firms assess research fees of \$10,000-15,000
- Billing arrangements vary: (1/4 of estimated fee to start, 1/4 one month later, 1/4 one month after that, final billing 1/4 adjusted for actual compensation to be paid to successful client; billing at end of each engagement, with a minimal non-fundable retainer as a first billing.
- Generally estimated at 12.5 weeks, could be condensed if candidate pool is rich

## 1. Search Strategy

- 1) What are the critical credentials, experiences, skill sets, and personal qualities you are looking for in candidates for this position? See accompanying information
- 2) What is the pay range for this position? \$125,000 \$160,000
- 3) Will you need a compensation study? No
- 4) Do you envision a local, regional, or national search? Resolution approved by Council approving a national search

#### 2. Search Schedule and Search/Interview Committee

- 1) When is the best time for this search to be completed? No later than Nov. 1.2004
- 2) Will you use a Search or Interview Committee? Yes
- 3) What will their role be? To interview finalists presented by search firm. What will they be expected to decide? From the pool of finalists interviewed, the committee will decide which finalists (2, no more than three) will be presented to the Mayor.

- 4) Who will make the final decision? The Mayor will appoint, but requires a majority of Council to confirm appointment.
- 5) Are there any other considerations that might affect the schedule? None

#### 3. Publicity Plan

- 1) Do you want to advertise the position? Yes
- 2) Do you want to post the position on the Internet? Yes
- 3) Do you want to circulate a Position Announcement by direct mail? Yes
- 4) What role should an executive search firm play in advertising, posting, and direct mail? Primary role

#### 4. Stakeholder Interviews

1) Who are your key stakeholders, including Council members and staff?
Mayor, Council Members, City Attorney, City Clerk; Community
Civic/Business Leaders, Faith-based Leadership

#### 5. Position Description and Organizational Documents

- 1) Do you have an existing job or position description? Yes
- 2) Do you have an existing one or two page document that describes the organization? Yes/The Charter
- 3) Do you have any key organizational documents that should be reviewed for more thorough preparation to handle search? Yes

#### 6. Sources and Candidates

- Do you know of any sources we should contact, other than your stakeholders? City Management Associations (local as well as national); American Society for Public Administrators (ASPA); International City Management Association (ICMA); National Forum for Black Public Administrators (NFBPA); League of Cities
- 2) Are there any internal candidates? To be determined What approach should be taken towards these internal candidates? To be determined

#### 7. References and Degrees

1) Do you want background checks run by executive search firm for criminal, credit, and/or litigation records on final candidates? Yes

# TENTATIVE SEARCH SCHEDULE – CITY MANAGER CITY OF MIAMI GARDENS

| Activity/Task                             |                                                                                   | <u>Time-frame</u> |
|-------------------------------------------|-----------------------------------------------------------------------------------|-------------------|
| To be performed by Executive Search Firm) |                                                                                   | (est.)            |
| 1.                                        | Solicit Proposals from Executive<br>Search Firms                                  | 8/5 - 12          |
| 2.                                        | Review Proposals and Prepare<br>Recommendation for Council Review<br>and Approval | 8/13 - 20         |
| 3.                                        | Design the Search Strategy                                                        | 8/21 - 25         |
| 4.                                        | Prepare Search Schedule                                                           | 8/21 - 25         |
| 5.                                        | Publicize the Position                                                            | 8/26-9/19         |
| 6.                                        | Interview Key Stakeholders                                                        | 8/26 – 9/5        |
| 7.                                        | Draft the Position Description and Overview                                       | Completed         |
| 8.                                        | Contact Sources and Candidates                                                    | 9/1- 18           |
| 9.                                        | Conduct Telephone Interviews                                                      | 9/8 - 19          |
| 10.                                       | Conduct Face-to-Face Interviews                                                   | 9/24 - 30         |
| 11.                                       | Check References and Degrees                                                      | 9/15 - 22         |
| 12.                                       | Present Candidate Reports                                                         | 10/1              |
| 13.                                       | Schedule On-Site Interviews                                                       | 10/6 - 10         |
| 14.                                       | Facilitate Client Decision                                                        | 10/13 - 22        |
| 15.                                       | Notify Candidates                                                                 | 10/23             |

| 16. | Support Negotiations  | 10/13 - 22 |
|-----|-----------------------|------------|
| 17. | Follow-Up With Client | 10/22 - 30 |

To: Mayor Shirley Gibson and

Council members for the City of Miami Gardens

From: William Green, Jr., J.D.

Transitional Coordinator

Date: August 7, 2003

Subject: Transitional Activities

Since/July 24, 2003

## **Temporary Office Space:**

Pursuant to the discussion of the City Council temporary space has been secured at 17801 NW 2<sup>nd</sup> Avenue – Suite 201. This space is to be utilized for a period of four (4) months, rent-free. The space is approximately 7600 sq. ft., including seven (7) offices and a large common area. Ross Properties, the owner of the property, will be submitting a proposal for additional time and terms at a later date.

I will be preparing a report for the council out ling all proposals for permanent space. This report will be submitted to the council at the first council meeting in October.

## Telephone Lines:

In light of much discussion at the July 24 council meeting, one of the first items secured for the City of Miami Gardens was phone service. Taking into consideration that the City did not want to incur a lot of up front cost for a phone system, since the permanent location has not been determine. However, keeping in mind that communications with the community is essential the following phone line system is recommended. The temporary space will be equipped with ten phone lines:

- 1. The first line will be the main office line; this is the line that the Secretary/Receptionist will answer and this is the official number of the city. (Note: This line will remain the same no matter where the city hall is located in the city.)
- 2. The Fax line: This is the official fax number of the city. (This too will remain the same no matter where the city hall is located).
- 3. The City Attorney's office will have a line.
- 4. The Transitional Coordinator will have a line
- 5. The Administrator Co-coordinator will have a line.
- 6. The Mayor's Office will have a line
- 7,8 & 9. These lines will be in three offices designated for the councilpersons.
- 10 This line will be the conference room line.

In addition each council member will be assigned a phone number, that will go directly to their individual voice mail line, this will allow the Secretary/Receptionist to transfer their calls to their voice mail lines even if they are not in the office.

Note: The transfer function will allow the Secretary/Receptionist to transfer the calls to any number that the council member should choose. Also, these numbers will transfer to regular lines when a permanent location is secured.

## Office Furniture and Computers:

Taking into consideration the space that the city is occupying is not permanent space. Limited resources are being utilized to equip this space. This effort is to insure that if the city has to relocate, the expenses of relocation will be minimized and little time and effort will be involved. As such, it is recommended that the furniture and computers for the temporary space be ordered as follows:

- Six (6) executive style desks
- Two (2) receptionist style desks
- Eight (8) executive style chairs and mats
- 22 lobby /conference chairs and one (1) conference table.
- Four (4) 3-drawer file cabinets and three (3) 2-drawer file cabinets
- One (1) Fax Machine stand and two (2) printer stands.
- Nine (9) telephones seven (7) lamps.
- Eight (8) computers (network capable) (DSL Service)
- Two network printers and one (1) Fax Machine.

Given the fact that phone service is not on in the new space, and the city needs to prepare to conduct business as soon as possible, it is in the city's best interest to utilize the state's contracts for office furniture and computers. Since these contracts were competitively bid on, the city is not required to re-bid for these products. By doing this, the city is able to obtain these essential products much sooner and at a reasonable price. When reviewing this option available to the city under the states contracts, it is recommended that Office Depot be the source for business furniture and CompUSA be the source for Computers. To purchase the aforementioned items the city would need to open an account with Office Depot and CompUSA. As a part of the state contract the city is entitled to a 58% discount off list price at Office Depot and a 10 to 20 % discount off list price at CompUSA.

#### Administrative Assistant

Pursuant to Resolution 2003-08, the council authorized the hiring of a temporary secretary whose duties would include answering the phone, addressing the request of constituents, addressing the needs of the council, the Mayor and the administrators. In such that this is going to require a lot of this individual, it is my recommendation that this position be characterized as an administrative assistant.

Once again utilizing the state's contract for obtaining temporary employee's through a contracted and certified temporary agency, the city can and will save time and money. A1A Employment Agency is the preferred temporary Agency under contract with the State of Florida. It is my recommendation that the city obtain an Administrative Assistant from A1A the cost is \$17.16 per hour. The company receives \$4.16 per hour and the individual receives \$13.00 per hour. Since there is no furniture or actual phones in the city's temporary space, the administrative assistant will not be on board until these items are secured and set-up. The target date for having the office up and running with the Administrative Assistant is August 11,2003.

## Payroll:

Pursuant to the charter each council member will receive a monthly salary of \$1000 and the Mayor will receive a salary of \$3500 per month. In addition to these salaries the council approved monthly salaries for the Interim City Attorney, the Transitional Coordinator and the Administrative Coordinator. In an effort to protect the city and to simplify the accounting process until a City Manager is in place a payroll agency has been secured to provide payroll services. The agency will prepare payroll for the city.

The agency will be responsible for calculating and paying all relevant taxes and other deduction authorized by the body. The first payday will be August 12, 2003 and every 15<sup>th</sup> and 30<sup>th</sup> of the month hence forth from that date. The first check will be a printed check, after which anyone requesting direct deposit can have any subsequent checks directly deposited.

# News Paper Ads:

To ensure that all of the city's meetings are adequately noticed it is essential that the city adopt an advertising plan that covers all legal requirements for notice and is fiscally in the best interest of the city. In addition the city needs to be conscious of community-based publication that may reach a segment of our community that is missed by the layer publications. Taking all of this into consideration it is recommended that future meetings for the City of Miami Gardens be noticed in the Miami Herald Neighbors zone 5 and zone 6 every other Sunday, The Saturday Edition once a month, and the Miami Times once a month. Ensuring that the City makes every effort to inform the community of meetings and workshops, which will keep citizens involved in the process, and help the administrators to do a better job.